



City of Yuma City Council Meeting Revised Agenda

Wednesday, April 2, 2025

5:30 PM

Yuma City Hall Council Chambers
One City Plaza, Yuma

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

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

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

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

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

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

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

FINAL CALL

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

ROLL CALL

PRESENTATIONS

- Quarterly Capital Improvement Program Update
- Yuma Fire Department Briefing on Service Call Numbers

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):

[MC 2025-048](#) **Special Worksession/Legislative Days Draft Minutes March 4, 2025**

Attachments: [2025 03 04 SWS Legislative Days.docx](#)

[MC 2025-049](#) **Special Worksession/Legislative Days Draft Minutes March 5, 2025**

Attachments: [2025 03 05 SWS Legislative Days.docx](#)

[MC 2025-050](#) **Regular Council Meeting Draft Minutes March 5, 2025**

Attachments: [2025 03 05 RCM Minutes.docx](#)

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 2025-042](#) **Contract Amendment: Tyler Technologies for YRCS**

Authorize a contract amendment with Tyler Technologies (formerly New World Systems) to purchase and provide maintenance services for a regional public safety software system at an estimated total cost of \$2,955,181.88 for the five-year term of the agreement. (Information Technology/YRCS) (Jeremy W. Jeffcoat)

Attachments: [1. SUPP DOC Contract Amendment: Tyler Technologies for YRCS](#)

2. [MC 2025-043](#) **Contract Award: Traffic Engineering On-Call Services**

Award a one-year contract with the option to renew for four additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance, for Professional Traffic Engineering Services on a Delivery Order basis to the following eight firms: CivTech Inc., Tucson, Arizona, Greenlight Traffic Engineering, LLC, Peoria, Arizona, Kimley-Horn, Phoenix, Arizona, Kittelson & Associates, Inc. Tucson, Arizona, Nicklaus Engineering, Inc., Yuma, Arizona, Psomas, Tucson, Arizona, Southwest Traffic Engineering, LLC, Phoenix, Arizona and Wilson & Company, Inc., Engineers & Architects of Phoenix, Arizona. (Engineering-RFQ-25-212) (David Wostenberg/Robin R. Wilson)
3. [MC 2025-044](#) **Engineering Services: Water Treatment Facility Auxiliary Power Improvements**

Approve an engineering on-call services contract for the construction phase of the Water Treatment Facility Auxiliary Power Improvements in the amount of \$102,702.00 to Carollo Engineering, Inc. (Engineering-RFQ-23-087) (David Wostenberg/Robin R. Wilson)
4. [MC 2025-045](#) **Request for Qualifications: Job Order Contracting (JOC) for Utility Infrastructure Services**

Authorize the City Administrator to execute a Utility Infrastructure Services Job Order Contract (JOC) with the following firms: Taylor Engineering, Yuma, Arizona; PCL Construction Inc., Tempe, Arizona; Enterprise Automation, Peoria, Arizona; KE&G Construction, Tucson, Arizona; DPE Construction, Inc., Yuma, Arizona. (Engineering - RFP-25-159) (David Wostenberg/Robin R. Wilson)
5. [MC 2025-046](#) **Final Plat: Butler Estates Unit No. 1 Subdivision**

Approve the final plat for the Butler Estates Unit No. 1 Subdivision, located at the southwest corner of E. 36th Street and S. Avenue 10E. (SUBD-43734-2025) (Community Planning) (Alyssa Linville)

Attachments:

[1. P&Z rpt Final Plat Butler Estates Unit No. 1](#)

[2. PLAT Butler Estates Final Plat Unit No. 1](#)

6. [MC 2025-047](#) **Final Plat: Butler Estates Unit No. 2 Subdivision**

Approve the final plat for the Butler Estates Unit No. 2 Subdivision, located at the corner of E. 37th Street and S. Avenue 10E. (SUBD-43779-2025) (Community Planning) (Alyssa Linville)

Attachments: [1. P&Z rpt Final Plat Butler Estates Unit No. 2](#)
[2. PLAT Butler Estates Final Plat Unit No. 2](#)

II. RESOLUTION CONSENT AGENDA

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

1. [R2025-026](#) **Preannexation Development Agreement: 2186 S. Engler Avenue**

Authorize a Preannexation Development Agreement for the property located at 2186 S. Engler Avenue. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. RES PDA: 2186 S. Engler Avenue](#)
[2. AGR PDA: 2186 S. Engler Avenue](#)

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. [O2025-006](#) **Declare Property Surplus and Authorize Transfer and Settlement of Lawsuit: Bill Alexander Ford Lincoln Mercury and BJA Enterprises, LLC**

Authorize the vacation of Bonanza Avenue right-of-way, reserving utility and access easements in the right-of-way, declare the Meinhardt/B-8 Stormwater Basin (subject to certain no-build easements) and the vacated Bonanza Avenue right-of-way (subject to the reserved easements) surplus, and authorize an exchange of the surplus property to Bill Alexander Ford Lincoln Mercury Inc. (Alexander Ford) or its nominee in exchange for a covenant to perform perpetual maintenance and stormwater capacity of the basin property. (City Attorney) (Richard Files)

Attachments: [1. ORD Declare Surplus & Authorize Sale: Bill Alexander](#)
[2. EXH A Declare Surplus & Authorize Sale: Bill Alexander](#)

2. [O2025-009](#) **Rezoning of Property: Café Main Street Properties, LLC**
Rezone approximately 4.18 acres located west of the 7th Street and 21st Avenue intersection, Yuma, AZ from the High Density Residential (R-3) District to the General Commercial (B-2) District. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT Rezoning of Property: Cafe Main Street Properties, LLC](#)
[2. ORD Rezoning of Property: Cafe Main Street Properties, LLC](#)

3. [O2025-010](#) **Rezoning of Property: Calle Ocho Properties, LLC**
Rezone approximately 2.5 acres located at 764 S. 21st Avenue, Yuma, AZ from the High Density Residential (R-3) District to the General Commercial (B-2) District. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. PZ RPT Rezoning of Property: Calle Ocho Properties LLC](#)
[2. ORD Rezoning of Property: Calle Ocho Properties, LLC](#)

IV. PUBLIC HEARING AND RELATED ITEMS

1. [O2025-011](#) **Statutory Compliance Hearing/Amendment: Ordinance O2003-12**
Pursuant to A.R.S. § 9-462.01, determine compliance with the conditions of approval for rezoning Ordinance O2003-12, and introduce an ordinance to amend O2003-12 to remove conditions and extend the time to comply with the rezoning conditions. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

Attachments: [1. P&Z RPT Statutory Compliance Hearing/Amendment: O2003-12](#)
[2. 2003 ORD Statutory Compliance Hearing/Amendment O2003-12](#)
[3. MAP Statutory Compliance Hearing/Amendment: O2003-12](#)
[4. ORD Statutory Compliance Hearing/Amendment: O2003-12](#)

V. 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 March 20, 2025 through April 2, 2025. 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.

VI. 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.

VII. CALL TO THE PUBLIC

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

VIII. EXECUTIVE SESSION

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

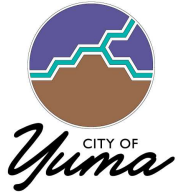
A. Discussion, consultation with and/or instruction to legal counsel concerning potential litigation. (A.R.S. § 38-431.03 A3, A4 & A7)

B. Discussion, consultation with and/or instruction to legal counsel regarding A.R.S §16-1019. (A.R.S. § 38-431.03 A3 & A4)

Addition

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 2025-048

Agenda Date:

Agenda #:

Special Worksession/Legislative Days Draft Minutes March 4, 2025

MINUTES
SPECIAL WORKSESSION/LEGISLATIVE DAYS
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
ARIZONA STATE CAPITOL
1700 W. WASHINGTON, PHOENIX, AZ
March 4, 2025
9:30 a.m.

Councilmembers Present: Morales, Smith, Morris, McClendon, Watts, and Mayor Nicholls
Councilmembers Absent: Martinez
Staffmembers Present: Acting City Administrator, Jay Simonton
Deputy City Administrator, Jennifer Reichelt
Deputy City Attorney, Rodney Short
Mayor’s Chief of Staff, Kathy Moon

Yuma Legislative Days serve as a multiple-day meeting for City Council/Administration to meet collectively with Arizona State Legislators and other state agencies to discuss current topics. No deliberation or actions took place, and no recordings of the meetings were made.

I. MEETINGS:

Senate Minority: Minority Leader Senator Sundareshan; Caucus Chair Senator Alston; and, Elizabeth Higgins, General Counsel/Policy Advisor

Discussion Summary:

- Public Safety, taxation in Wellton, San Luis, & Somerton and challenges with servicing and staffing a population that doubles in the winter.
- Provided update on Public Safety staffing, competitiveness, and trends.
- Yuma’s uniqueness and local solutions to local issues and need for statewide solutions to statewide issues.
- Housing successes in Yuma
 - Metropolitan issues do not always translate.
- Farming and water, and creation of new Active Management Area (AMA) and Irrigation Non-expansion Area (INA) across state.
- Spaceport discussion and update.
 - Federal process for approval.
 - State land/Federal land.
- Highway 95 improvements for San Luis to YPG.
- Senate asked about Border and Tariffs.
 - Provided update on cross border traffic and trade with Mexico, discussion of Yuma County Free Trade zone, and new San Luis port of entry.
- Immigration and difference between legal and illegal.
 - Provided updates from BP that numbers were down.
- Senate Minority Leadership confirmed support for Yuma’s Ag industry and commerce, H2A housing.

Secretary of State's Office: Laura Terech, Executive Director Arizona America250

Discussion Summary:

- America 250 and State of Arizona's plans with local communities. Semi-quincentennial 2026.
 - Debuted new logo from student contest, student is now at ASU.
 - Paul Revere ride, "one if by land, two if by sea"
 - Each municipality/agency displays two lights.
 - Flyover at Capitol.
 - Traveling Bell, pictured with every County seal.
 - Big Bell will come to Yuma.

Senate Majority: President Petersen; Majority Leader Senator Shope; and, Senator Dunn

Discussion Summary:

- Water in Arizona and confirmation of Interior Secretary Burgum.
- Majority gave updates on discussions with Secretary Burgum.
- New Commissioner of Bureau will hopefully have Arizona and Colorado River ties.
- Working closely with Yuma water districts on priority rights when Post 2026 guidelines are released.
- Budgets: Yuma County, City of Yuma, San Luis, Somerton, and Wellton budgets
 - City's low tax rate.
- Serving double population
 - Why it is important to capture the winter population to participate in economy, so locals are not required to fund everything.
- President discussed vape bill, no consensus on it.
- President priority is pensions, asked about Yuma's pay down of Public Safety.
- President and Leader discussed border security and workforce development in the City and across the County.
- Senator. Dunn provided an Agriculture update

Legislative Lunch at League of Arizona Cities and Towns

11:45 a.m. Legislative lunch held with Yuma Delegation, Highground Consultants and League of Arizona Cities and Town staff

Topics of Discussion:

- Yuma Day materials and local solutions
- Economic development in Yuma and positive job trends
- Spaceport
- Aerospace for Arizona and how Yuma fits in
- Veteran opportunities
 - Spaceport
 - Nuclear workers and Engineers

- Manufacturing in Arizona
- Manufacturing in Mexico and final assembly in U.S./Yuma
- Energy
 - Regulation, not deregulation
 - APS planning another nuclear plant for 2040
 - Legislation on Small Modular Reactor (SMR)
 - Tribal company looking at Arizona for SMR
 - SRP/APS pipeline
- Broadband expansion and bill SB1661 to form Broadband Districts
 - Not taxing, but subject to sales tax
- Housing Assistance Program; Appropriating Monies
- Agriculture and Water
 - HCR2051, as it relates to Yuma water rights
 - Autonomous farm equipment and the allowance to cross county roads

Introductions on the floor at the Senate and House of Representatives

Governor's Office: Deputy Chief of Staff Jennifer Loreda; Director of Policy, Legislative, and Intergovernmental Affairs, Marge Zylla; and, Senior Water Policy Advisor Patrick Adams

Discussion Summary:

- Mayor discussed Yuma Day materials.
 - Discussed the success of Yuma branding.
 - Governor's staff discussed Yuma Harvest Dinner video and Yuma connections.
- Economic development in rural communities.
- Governors update on commerce, taxes, and energy.
 - Governor has expectations that bills will be negotiated, suggested staying engaged. Understand that one-size-fits all does not work, especially in housing.
- Adams provided updates on water and Post 2026.
 - Gloomy and probably will not get movement until new Commissioner is named.
 - Crisis is increasing, Lower Basins have plan on table, zero from Upper Basin.
 - Looking for accountability from all States.
 - Governor does not want Priority system to be disrupted.
- Meeting with Hank Auza for the Yuma Districts, meet with Rodney.
- Watching rural groundwater regulations from Senator Dunn
 - Need to protect groundwater basins.
 - Does not apply to Yuma, but preserving that water keeps hands out of the Colorado River.
 - Understands that Yuma's wells are surface water, so river communities have only one source.
- Congratulations to Mayor Nicholls for space commission appointment.
- Discussed Elevate Southwest as incubator for job training and creation.
 - Federal Free Trade Zone in Yuma could provide boost.
 - Need ADOT access to site and connection to AZ Tech Council.

- Rockets do not bring high number of jobs, it is the innovations and research and ultimately manufacturing right on site.
- Discussed Yuma Fire Department AZ Department of Emergency and Military Affairs grant for border rescues, especially from top of border fence.
- Discussed AXON/TASER relocation issue.
 - Headquarters in Scottsdale subject to referendum.
- Discussed new distribution center in Yuma and closure of Shaw and Bose.

Evening Reception

3:45 p.m. Evening reception hosted by Highground and held at Highground Inc., located at 830 North 4th Avenue, Phoenix. This was a social event, and no specific City business was entertained.

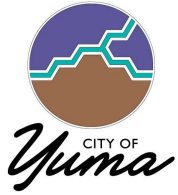
Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

DRAFT

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

File #: MC 2025-049

Agenda Date: 4/2/2025

Agenda #:

Special Worksession/Legislative Days Draft Minutes March 5, 2025

MINUTES
SPECIAL WORKSESSION\LEGISLATIVE DAYS
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
ARIZONA STATE CAPITOL
1700 W. WASHINGTON, PHOENIX, AZ
March 5, 2025
9:30 a.m.

Councilmembers Present: Morales, Smith, Morris, McClendon, Watts, and Mayor Nicholls
Councilmembers Absent: Martinez
Staffmembers Present: Acting City Administrator, Jay Simonton
Deputy City Administrator, Jennifer Reichelt
Deputy City Attorney, Rodney Short
Mayor’s Chief of Staff, Kathy Moon

Yuma Legislative Days serve as a multiple-day meeting for City Council/Administration to meet collectively with Arizona State Legislators and other state agencies to discuss current topics. No deliberation or actions took place, and no recordings of the meetings were made.

I. MEETINGS:

Arizona State Land Department: Commissioner Roby Sahid, Deputy Commissioner Jim Perry, and Assistant Director Karen Dada

Discussion Summary:

- State land holdings in the Yuma area and within Yuma City limits.
- Process for state land.
- Methods to make state land availability easier within the City’s growth area.
- Provided a Spaceport update, including federal state lands in area.
- Research and manufacturing near airport and land use near military.

ADJOURNMENT

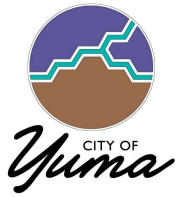
The meeting adjourned at 10:45 a.m.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

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

File #: MC 2025-050

Agenda Date: 4/2/2025

Agenda #:

Regular Council Meeting Draft Minutes March 5, 2025

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
MARCH 5, 2025
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:32 p.m.

INVOCATION/PLEDGE

Natasha Boomgarden, Vice Chairman of the Baha'i Spiritual Assembly, gave the invocation.
Sergeant Major David Potter, Marine Corps Air Station - Yuma, led the City Council in the Pledge of Allegiance.

FINAL CALL

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

ROLL CALL

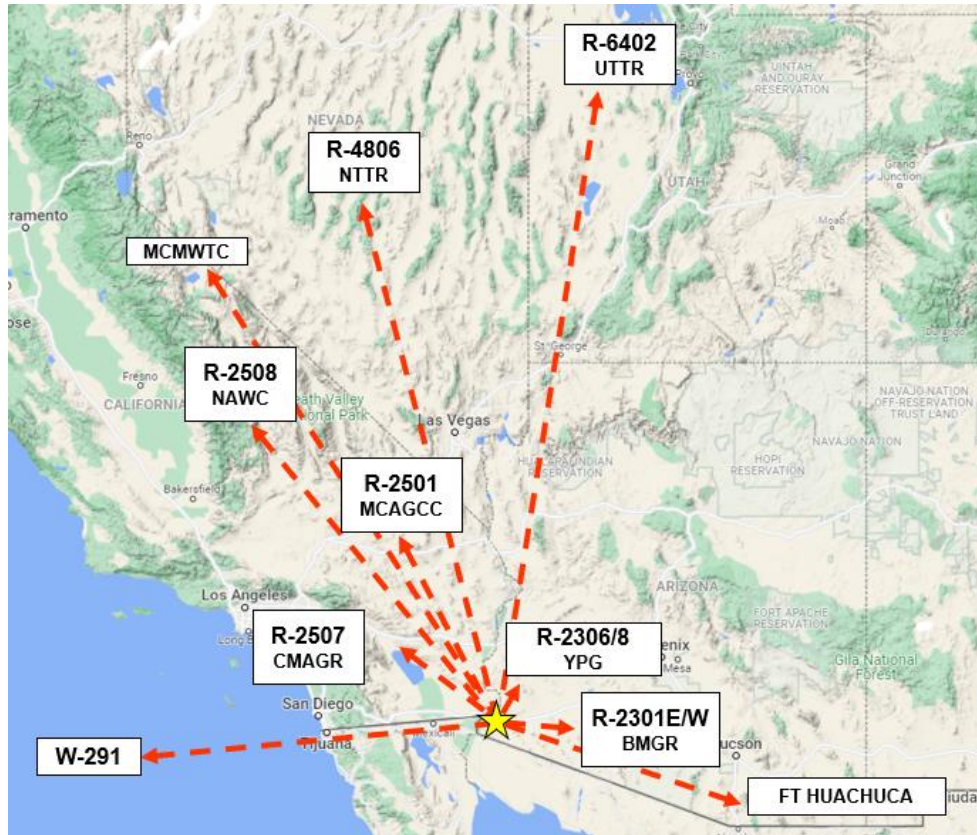
Councilmembers Present: Martinez, Morris, McClendon, Smith, Morales, Watts, and Mayor Nicholls
Councilmembers Absent: None
Staffmembers Present: Acting City Administrator, John D. Simonton
Neighborhood Services Manager – Grants, Nikki Hoogendoorn
Neighborhood Services Specialist, Jorge Alcala
Director of Engineering, David Wostenberg
Associate Planner, Guillermo Moreno-Nunez
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

Marine Corps Air Station-Yuma WTI Exercise Briefing

Colonel Jarred Stone, Commanding Officer of MCAS-Yuma, introduced **Major Sean Graham**, Foreign Humanitarian Assistance (FHA) Evolution Coordinator, to provide a briefing on the upcoming Weapons and Tactics Instructor (WTI) Course 2-25.

Major Graham began his presentation by playing a video showcasing previous WTI 1-25, and provided the following information on the upcoming WTI 2-25:

- Overview
 - From March 10th through April 27th, WTI students will conduct operations in and around Yuma
 - The flight phase will take place March 26th through April 26th
- Purpose
 - To prepare marine aviation personnel for various combat environments by exposing them to a realistic and challenging training course
- WTI Operating Area
 - As far north as Utah, east to Fort Huachuca, and west to the Pacific Ocean



- WTI Course
 - Seven-week course
 - Academic Phase – 19 days
 - Flight Phase – 30 days
 - WTI Instructors
 - Marine Air-Ground Task Force Integrator
 - Risk Manager
 - Unit Training Officer
 - Weapon System Expert
 - Student Composition
 - Aviator
 - Aviation Command and Control
 - Air Officer
 - Intelligence
 - Aviation Ground Support
 - Infantry and Ground Combat Arms
 - Aircraft Maintenance / Ordnance
- FHA Evolution
 - Monday, April 7th from 6 pm – 10 pm
 - Sikorsky CH-53E Super Stallion and Bell UH-1Y Venom helicopters
 - Crane Middle School and Kiwanis Park

- Evolution Coordination
 - Passenger Movement
 - Local Agency Integration
 - Yuma Police Department
 - Yuma Fire Department
 - Parks and Recreation Department
 - All Federal Aviation Administration Regulations will be followed

Mayor Nicholls thanked **Major Graham** for the briefing, and stated that the City takes great pride in being a part of the WTI exercise.

Procurement Month Proclamation

Mayor Nicholls read a proclamation for Procurement Month and thanked the Procurement Department for all they do for the City of Yuma.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item C.1 – Bid Award: Reconstruction of a Single-Family Home with HOME Funds (award of \$102,630.40 to D’Pair Development, LLC, for the replacement of a single-family home located in the Mesa Heights Neighborhood) (Plng & Nbhd Svcs)

Discussion

- The family whose home will be reconstructed has been on the Housing Rehabilitation Program waiting list for quite a while; the City completed a thorough inspection and scope of work, where it was determined it would be most cost effective to demolish and reconstruct the home (**Smith/Hoogendoorn**)
- The HOME Investment Partnership funds are provided to the family through a deferred forgivable loan; the homeowner must remain in the home for 20 years and each year the loan is pro-rated, so that after 20 years the loan is forgiven and the lien is released (**Watts/Hoogendoorn**)
- In the event that the homeowner passes away, the City can determine if a family member qualifies financially to take over the loan; if the home is sold, the loan must be repaid (**Watts/Hoogendoorn**)
- The size of the rebuilt home is roughly the same as the original home; in this case, the original home was 1,039 square feet, and the new home will be 803 square feet (**Morris/Alcala**)
- The home reconstruction will not include landscaping, so assistance will be sought to provide xeriscape landscaping for the property (**Morales**)

Motion Consent Agenda Item C.2 – Bid Award: Water Treatment Facility Auxiliary Power Improvements (award a Construction Services Contract in the amount of \$391,597.80 to Pilkington Construction for improvements to the Main Street Water Treatment Facility’s emergency power system) (RFB-25-235) (Eng)

Discussion

- It is unclear why one of the bids came in so much higher than the other two; the pricing of almost all of the items listed on the bid seemed to be off by a factor of 10 (**Smith/Wostenberg**)

Motion (Morales/McClendon): To approve the Motion Consent Agenda as recommended. Voice vote: **approved 7-0.**

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

Special Council Meeting February 21, 2025

B. Executive Session

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

C. Approval of Staff Recommendations

1. Authorize award of bid to reconstruct a single-family home under the Neighborhood Services Housing Rehabilitation Program to the lowest responsive and responsible bidder in the amount of \$102,630.40 to D'Pair Development, LLC. Yuma Arizona. (Plng & Nbhd Svcs)
2. Award a construction services contract for Water Treatment Facility Auxiliary Power Improvements to the lowest responsible bidder in the amount of \$391,597.80 to Pilkington Construction, Yuma, Arizona. (RFB-25-235) (Eng)
3. Authorize the purchase of radio repeater equipment supporting the regional radio system for a total cost of \$557,883.28 to Motorola Solutions, Inc., Tempe, Arizona, using a Cooperative Purchase Agreement through the State of Arizona (GNT-25-265) (IT)
4. Authorize the purchase of network equipment and services supporting the regional public safety software system utilizing a Cooperative Purchase Agreement through the State of Arizona for a total amount of \$659,803.02 from Advanced Network Management, Inc., Scottsdale, Arizona. (GNT-25-268) (IT)
5. Approve the final plat of the Plaza Del Este Unit No. 3 Subdivision. The property is located at the northwest corner of 7 ½ E and 32nd Street. (Plng & Nbhd Svcs/Cmty Plng)

II. RESOLUTION CONSENT AGENDA

Resolution R2025-018 – Intergovernmental Agreement: Arizona Department of Transportation (to review the environmental documents from the Design Concept Report of 40th Street from Avenue 6E to Fortuna Road at an estimated cost of \$30,000) (Eng)

Mayor Nicholls declared a conflict of interest on Resolution R2025-018 as his firm is involved in the contract, turned the meeting over to Deputy Mayor Smith, and left the dais.

Motion (Morris/Watts): To adopt Resolution R2025-018 as recommended.

Bushong displayed the following title:

Resolution R2025-018

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with the State of Arizona for document review of the 40th Street: Avenue 6E to Fortuna Road Design Concept Report (review and approval of documents pertaining to the project and the Arizona Department of Transportation’s environmental review) (Eng)

Roll call vote: **adopted** 6-0-1, Mayor Nicholls abstaining due to conflict of interest.

Mayor Nicholls returned to the dais.

Resolution R2025-021 – Resolution of Support: Gary Knight Memorial Highway (support the naming of a segment of United States Route 95, from milepost 31 to milepost 38, in honor of former Councilmember Gary Knight) (City Admin)

Speaker

- **Mike Shelton**, City Resident, spoke in support of Resolution R2025-021, noting that Gary Knight was highly respected and dedicated to transportation in Yuma, and expressed hope that details of his service to the community will be shared with the public.

Motion (Morales/Smith): To adopt the Resolution Consent Agenda as recommended, with the exception of Resolution R2025-018 which was adopted through a previous motion.

Bushong displayed the following titles:

Resolution R2025-016

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement for the joint operation and use of a regional school safety system and program between the City of Yuma and Wellton Elementary School District No. 24 (to allow the District to opt-in to system components including a panic button application, automated workflow and notification capabilities, and a multimedia communication sharing platform) (IT)

Resolution R2025-019

A resolution of the City Council of the City of Yuma, Arizona, authorizing the City of Yuma to enter into an agreement with Versaterm Public Safety US, Inc. (all costs for software integration and use will be paid by the Arizona Criminal Justice Commission, with no financial burden assumed by the City) (YPD)

Resolution R2025-020

A resolution of the City Council of the City of Yuma, Arizona, approving and authorizing the City of Yuma to enter into a Subrecipient Agreement with the Arizona Department of Homeland Security, regarding the Operation Stonegarden Grant Program (to reimburse the City for funds expended for overtime, employee related expenses, and mileage utilized in support of Operation Stonegarden) (YPD)

Resolution R2025-021

A resolution of the City Council of the City of Yuma, Arizona, formally supporting the naming of a segment of United States Route 95, from milepost 31 to milepost 38, as the Gary Knight Memorial Highway (in recognition of Gary Knight's involvement in advancing transportation and economic development projects for the benefit of Yuma and the surrounding region) (City Admin)

Resolution R2025-022

A resolution of the City Council of the City of Yuma, Arizona, approving an Intergovernmental Agreement between the Arizona Department of Public Safety and the City of Yuma, regarding the acceptance of anti-human trafficking grant funding (funding will be used to enhance Yuma Police Department's operational capabilities to effectively tackle human trafficking cases through the purchase of a vehicle, equipment, and software) (YPD)

Resolution R2025-023

A resolution of the City Council of the City of Yuma, Arizona, authorizing a Memorandum of Understanding between Yuma County and the City of Yuma, regarding the acceptance of Edward Byrne Memorial Justice Assistance Grant funds to be used by the City of Yuma (the grant funds will support law enforcement programs aimed at enhancing public safety and community policing efforts by incorporating technology, and require no matching funds from the City) (YPD)

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

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

Bushong displayed the following titles:

Ordinance O2025-003

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the acceptance of gift property (approximately 40 feet of the 48th Street right-of-way west of Avenue 6E) (Eng)

Ordinance O2025-005

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 Agriculture (AG) District to the Limited Commercial (B-1) District, and amending the zoning map to conform with the rezoning (approximately 9.39 acres of property located at 920 S. Avenue B) (Plng & Nbhd Svcs/Cmty Plng)

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

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following titles:

Ordinance O2025-007

An ordinance of the City Council of the City of Yuma, Arizona, amending Title 3, Chapter 32 of the Yuma City Code regulating Civilian Accident Investigators (to comply with State law and provide for civilian employees to handle certain traffic matters) (YPD)

Ordinance O2025-008

An ordinance of the City Council of the City of Yuma, Arizona, authorizing and approving the acceptance of title to certain real property and improvements, the execution of a Government Property Land and Improvements Lease for a term of eight years with Spencrazi, L.L.C. as the prime lessee, the reconveyance of title to the real property and improvements at the conclusion of the described lease, and approving the abatement of the Government Property Lease Excise Tax during the term of the eight year lease (the redevelopment of the parcel will create approximately 100 local direct-employment jobs, and is estimated to generate over \$2.7 million in fiscal benefits for the City over a 10-year period) (City Atty)

V. PUBLIC HEARING AND RELATED ITEMS

Resolution R2025-017 – Minor General Plan Amendment: 594 S. May Avenue (change the land use designation for approximately 1.84 acres of property from Medium Density Residential to High Density Residential) (GP-43371-2024) (Plng & Nbhd Svcs/Cmty Plng)

Mayor Nicholls opened the Public Hearing at 6:08 p.m.

Moreno-Nunez presented the following information:

- Proposed Change: Medium Density Residential to High Density Residential
- Area: Approximately 1.84 acres
- Surrounding Land Uses:
 - North – Single Family Homes
 - South – RV Park
 - East – Farmland
 - West – Single Family Homes and Vacant Land
- Development Potential:
 - Dwelling Unites – Between 24 and 55 units
 - Population – Potential increase to 105 persons
 - Proposed project – Future multi-family development
- Property owners within 660 feet of the site property were notified of the request, and staff did not receive any concerns or comments in opposition
- A neighborhood meeting was held on site on December 13, 2024, with one neighbor in attendance, who was not opposed to the proposal
- The Planning and Zoning Commission recommended approval of the request on February 10, 2025
- Staff received a phone call on February 19th and an email on March 3rd from a nearby property owner who is opposed to the proposal due to concerns about increased density, increased traffic, and possible impact on property values

Motion (Smith/Morris): To close the Public Hearing. Voice vote: **approved** 7-0. The Public Hearing closed at 6:11 p.m.

Discussion

- If the land use designation were to remain Medium Density Residential, the maximum number of dwelling units would be 24; the maximum potential increase resulting from the change would be 31 units (**Watts/Moreno-Nunez**)

- Upon submitting plans for development, the applicant would be required to provide sufficient parking for each unit on site (**Watts/Moreno-Nunez**)
- Because the property will initially be developed under Yuma County jurisdiction, it would be relevant to let the County have a copy of the comments (**Mayor Nicholls/Moreno-Nunez**)
- The total number of units that will fit on the site will vary depending on landscaping and parking; it is difficult to get maximum density on these kinds of developments without going vertical, which gets expensive (**Mayor Nicholls/McClendon/Moreno-Nunez**)

Motion (Morales/Morris): To adopt Resolution R2025-017 as recommended.

Bushong displayed the following title:

Resolution R2025-017

A resolution of the City Council of the City of Yuma, Arizona, amending Resolution R2022-011, the City of Yuma 2022 General Plan, to change the land use designation of approximately 1.84 acres at 594 S. May Avenue from Medium Density Residential to High Density Residential (the applicant intends to develop a multi-family residential development under the High Density Residential (R-3) zoning district through Yuma County) (GP-43371-2024) (Plng & Nbhd Svcs/Cmty Plng)

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

VI. ANNOUNCEMENTS AND SCHEDULING

Announcements

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

- Harvest Dinner
- International Economic Development Council Annual Leadership Summit
- State of the State Address
- Yuma Day at the Capitol
- Yuma Metropolitan Planning Organization Executive Board Meeting
- Teen Challenge Dinner and Reading of Proclamation
- Meeting with Arizona Secretary of State Adrian Fontes
- Parks and Recreation Department Park Tour
- National Association for the Advancement of Colored People Black History Month Event
- Western Arizona Council of Governments Executive Board Meeting
- Barbecue and Brews Festival
- Kids at Hope Benefit Concert
- Arizona League of Cities and Towns Meeting with Governor Katie Hobbs
- Marine Corps Air Station Yuma Battle Color Ceremony
- Border Fence Rescue Technology Presentation
- Caballeros de Yuma Colorado River Crossing Balloon Festival Press Conference
- Arizona Western College / Northern Arizona University Engineering Day Presentation
- Yuma Scholarship Association Legacy Ball

Scheduling – No meetings were scheduled at this time.

VII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- Ongoing - Lifeguard hiring for the summer aquatics season
- March 15th - Kite Fest at the Pacific Avenue Athletic Complex

VIII. CALL TO THE PUBLIC

Mike Shelton, City resident, requested that the community be updated on the status of the Smucker Park storm drain project being completed by Yuma County, as the project was scheduled to be complete in August 2024. **Mayor Nicholls** directed **Simonton** to meet with **Shelton** and provide any information that can be shared at this time.

Anthony Felix, City resident, expressed concerns regarding the handling of a previous case with the Yuma Municipal Court, as well as alleged violations of civil rights by the Yuma Police Department. **Felix** urged City Council to stand by their commitment to transparency.

IX. EXECUTIVE SESSION/ADJOURNMENT

Motion (Morales/McClendon): To adjourn the meeting to Executive Session. Voice vote: **approved** 7-0. The meeting adjourned at 6:43 p.m.

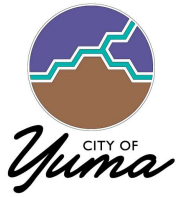
Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: _____



City of Yuma

City Council Report

File #: MC 2025-042

Agenda Date: 4/2/2025

Agenda #: 1.

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

Contract Amendment: Tyler Technologies for YRCS

SUMMARY RECOMMENDATION:

Authorize a contract amendment with Tyler Technologies (formerly New World Systems) to purchase and provide maintenance services for a regional public safety software system at an estimated total cost of \$2,955,181.88 for the five-year term of the agreement. (Information Technology/YRCS) (Jeremy W. Jeffcoat)

STRATEGIC OUTCOME:

The purchase of maintenance services for a regional public safety software system contributes to the City Council’s strategic outcomes of Safe and Prosperous and Respected and Responsible by providing predictable maintenance costs over the next five years. The public safety software system supports the numerous workflows performed by regional public safety agencies to maintain public safety throughout the region.

REPORT:

The Yuma Regional Communications System (YRCS) public safety software solution was purchased in June 2010 with a 10-year service maintenance agreement and implemented in January 2011. The City has subsequently amended the original agreement several times to invest in additional functionality and modify maintenance terms. The original product line is now towards the end of its product lifecycle and is being replaced with more feature-rich solutions. The current maintenance agreement has reverted to an annual renewal with annual increases that are at prevailing rates. The proposed amendment defines annual increases at a set 4% for the duration of the five-year agreement.

	5 Year Projected Maintenance Fees
July 1, 2025 - June 30, 2026	\$516,205.88
July 1, 2026 - June 30, 2027	\$574,354.57
July 1, 2027 - June 30, 2028	\$597,328.75
July 1, 2028 - June 30, 2029	\$621,221.90
July 1, 2029 - June 30, 2030	\$646,070.78

The YRCS has received grant funding from Arizona Department of Emergency and Military Affairs agreement M23-007 to implement a modern public safety software system to increase the interoperability and efficiency of

its member public safety agencies. The grant funding includes maintenance costs for the public safety software system for the first three years of the five-year agreement. All YRCS member agencies contribute funds to maintain the regional system and member agency fees will cover system maintenance costs after the grant agreement is completed.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 1,267,292.68	BUDGETED:	\$ 2,955,181.88
STATE FUNDS:	\$ 1,687,889.20	AVAILABLE TO TRANSFER:	\$ 0.00
FEDERAL FUNDS:	\$ 0.00	IN CONTINGENCY:	\$ 0.00
OTHER SOURCES:	\$ 0.00	FUNDING: ACCOUNT/FUND #/CIP	
TOTAL \$2,955,181.88			
YRCS State Grant			
Funds YRCS Funds			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

Sufficient budget authority is provided in the City Council's approved FY 2025 budget and financial plan. The City reports the YRCS in the audited Annual Financial Comprehensive Report (ACFR) as a self-sustaining Enterprise Fund, like Utilities. When YRCS expends money, it is recorded as an expense for the full amount. Contribution from participating entities (including the City) is recorded as revenue.

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: 03/25/2025
Reviewed by City Attorney: Richard W. Files	Date: 03/23/2025



Support Amendment

This Support Amendment is made, as of the date set forth below (the “Effective Date”) by and between Tyler Technologies, Inc. with offices at 840 West Long Lake Road, Troy, MI 48098 (“Tyler”) and the City of Yuma, with offices at 1500 S 1st. Street, Yuma, AZ 85364-3236 (“Client”).

WHEREAS, Tyler and the Client are parties to a License Agreement with an effective date of June 4, 2010 (“Agreement”) under which Client licensed the software itemized therein; and

WHEREAS, Tyler and Client desire to update the applicable maintenance and support services terms.

NOW THEREFORE, in consideration of the mutual promises hereinafter contained, Tyler and Client agree as follows:

1. The software Client licensed under the Agreement, and on which Client has paid maintenance and support fees through the Effective Date, shall mean the “Tyler Software” for purposes of this Support Amendment.
2. Tyler shall provide maintenance and support services on the Tyler Software according to the terms of Exhibit 1 to this Support Amendment.
3. For the term specified in the applicable invoice, Client shall remit to Tyler maintenance fees in the amount set forth therein. Payment is due within thirty (30) days of the invoice date.
4. Effective June 30, 2025, Client requests **NOT** to receive support and maintenance services, as defined in its License and Services Agreement with Tyler, on the following applications (the “Cancelled Applications”):

New World Imaging Standard Maintenance - Corrections Wanted Posters	(\$592.96)
Fire Management Data Mart (“CAD. RMS) Standard Maintenance -Includes 10+ users	(\$2,074.77)
Corrections Management Data Mart Standard Maintenance - Includes 10+ users	(\$6,439.81)
New World Fire Mobile Unit Standard Maintenance - Fire Inspections	(\$808.47)
Total DOM:	(\$9,916.01)

5. By discontinuing maintenance on the Cancelled Applications, Client understands that it is losing the rights and benefits, and accepting the consequences, summarized below:
 - The Maintenance and Support Agreement set forth in Client’s contract with Tyler will no longer apply to the Cancelled Applications;
 - Client will only receive maintenance and support on a time and materials basis, at Tyler’s then-current rates or such other rates as Tyler deems necessary to account for Client’s lack of ongoing



training on the Cancelled Applications, with all of those services being charged at a two (2) hour minimum for every support call Client makes;

- Client will receive the lowest priority under the applicable Support Call process; and
- Client will be required to purchase new releases of the Cancelled Applications, including fixes, enhancements, patches; and platform upgrades.

Client acknowledges that in order to reinstate maintenance on a Cancelled Application, Tyler requires either (a) payment of all past due maintenance and support fees, including all fees for the periods during which services were suspended; or (b) re-licensure of the Cancelled Application at Tyler’s then-current software fees for that application or its functional equivalent.

6. This Support Amendment shall be governed by and construed in accordance with the terms and conditions of the Agreement.
7. All other terms and conditions of the Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Support Amendment as of the dates set forth below.

Tyler Technologies, Inc.

City of Yuma, AZ

By: _____

By: _____

Name: _____

Name: _____

Title: _____

Title: _____

Date: _____

Date: _____



**Exhibit 1
Maintenance and Support Agreement**

Tyler (“we”) will provide Client (“you”) with the following maintenance and support services for the Tyler Software. Capitalized terms not otherwise defined will have the meaning assigned to such terms in the Support Agreement.

1. Term. We provide maintenance and support services on an annual basis. The term commences on July 1, 2025 for a period of one (1) year. Thereafter, the term will renew automatically for additional one (1) year terms unless terminated in writing by either party at least thirty (30) days prior to the end of the then-current term, unless the parties mutually agree to some other notice period.
2. Maintenance and Support Fees. Your maintenance and support fees for the annual terms commencing July 1, 2025 through June 30, 2030 for the Tyler Software under the Agreement shall be invoiced annually in advance of each July 1 in the following amounts:

	5 Year Projected Maintenance Fees
July 1, 2025-June 30, 2026	\$516,205.88
July 1, 2026-June 30, 2027	\$574,354.57
July 1, 2027-June 30, 2028	\$597,328.75
July 1, 2028-June 30, 2029	\$621,221.90
July 1, 2029-June 30, 2030	\$646,070.78

Subsequent maintenance and support fees, at our then-current rates, are invoiced annually in advance of each anniversary thereof. We reserve the right to suspend maintenance and support services if you fail to pay undisputed maintenance and support fees within thirty (30) days of our written notice. We will reinstate maintenance and support services only if you pay all past due maintenance and support fees, including all fees for the periods during which services were suspended.

3. Maintenance and Support Services. As long as you are not using the Help Desk as a substitute for our training services on the Tyler Software, and you timely pay your maintenance and support fees, we will, consistent with our then-current Support Call Process:
 - 3.1 perform our maintenance and support obligations in a professional, good, and workmanlike manner, consistent with industry standards, to resolve Defects in the Tyler Software (subject to any applicable release life cycle policy); provided, however, that if you modify the Tyler Software without our consent, our obligation to provide maintenance and support services on and warrant the Tyler Software will be void;
 - 3.2 a) provide telephone support during our established support hours, as outlined in the Support Call Process.



b) Emergency 24-hours per day, 7 days per week, telephone support is available for reporting Priority Level 1 Defects for Enterprise CAD, eCitation and Jail Manager only. After 9:00 p.m., the Enterprise CAD, eCitation and Jail Manager phone support will be provided via pager and a support representative will respond to CAD service calls within 30 minutes of call initiation.

3.3 maintain personnel that are sufficiently trained to be familiar with the Tyler Software and Third Party Software, if any, in order to provide maintenance and support services;

3.4 provide you with a copy of all major and minor releases to the Tyler Software (including updates and enhancements) along with the appropriate documentation that we make generally available without additional charge to customers who have a maintenance and support agreement in effect; and

3.5 provide non-Defect resolution support of prior releases of the Tyler Software in accordance with any applicable release life cycle policy.

4. Client Responsibilities. We will use all reasonable efforts to perform any maintenance and support services remotely. Currently, we use a third-party secure unattended connectivity tool called Bomgar, as well as GotoAssist by Citrix. Therefore, you agree to maintain a high-speed internet connection capable of connecting us to your PCs and server(s). You agree to provide us with a login account and local administrative privileges as we may reasonably require to perform remote services. We will, at our option, use the secure connection to assist with proper diagnosis and resolution, subject to any reasonably applicable security protocols. If we cannot resolve a support issue remotely, we may be required to provide onsite services. In such event, we will be responsible for our travel expenses, unless it is determined that the reason onsite support was required was a reason outside our control. Either way, you agree to provide us with full and free access to the Tyler Software, working space, adequate facilities within a reasonable distance from the equipment, and use of machines, attachments, features, or other equipment reasonably necessary for us to provide the maintenance and support services, all at no charge to us. We strongly recommend that you also maintain a VPN for backup connectivity purposes.
5. Hardware and Other Systems. If you are a self-hosted customer and, in the process of diagnosing a software support issue, it is discovered that one of your peripheral systems or other software is the cause of the issue, we will notify you so that you may contact the support agency for that peripheral system. We cannot support or maintain Third Party Products except as expressly set forth in the Agreement.

In order for us to provide the highest level of software support, you bear the following responsibility related to hardware and software:

- (a) All infrastructure executing Tyler Software shall be managed by you;
- (b) You will maintain support contracts for all non-Tyler software associated with Tyler Software (including operating systems and database management systems, but excluding Third-Party Software, if any); and
- (c) You will perform daily database backups and verify that those backups are successful.

6. Other Excluded Services. Maintenance and support fees do not include fees for the following

services: (a) initial installation or implementation of the Tyler Software; (b) onsite maintenance and support (unless Tyler cannot remotely correct a Defect in the Tyler Software, as set forth above); (c) application design; (d) other consulting services; (e) maintenance and support of an operating system or hardware, unless you are a hosted customer; (f) support outside our normal business hours as listed in our then-current Support Call Process; or (g) installation, training services, or third party product costs related to a new release. Requested maintenance and support services such as those outlined in this section will be billed to you on a time and materials basis at our then current rates. You must request those services with at least one (1) weeks' advance notice.

7. Current Support Call Process. Our current Support Call Process for the Tyler Software is provided as Schedule A to Exhibit 1.



Exhibit 1 Schedule A Support Call Process

Support Channels

Tyler Technologies, Inc. provides the following channels of software support for authorized users*:

- (1) On-line submission (portal) – for less urgent and functionality-based questions, users may create support incidents through the Tyler Customer Portal available at the Tyler Technologies website. A built-in Answer Panel provides users with resolutions to most “how-to” and configuration-based questions through a simplified search interface with machine learning, potentially eliminating the need to submit the support case.
- (2) Email – for less urgent situations, users may submit emails directly to the software support group.
- (3) Telephone – for urgent or complex questions, users receive toll-free, telephone software support.

** Channel availability may be limited for certain applications.*

Support Resources

A number of additional resources are available to provide a comprehensive and complete support experience:

- (1) Tyler Website – www.tylertech.com – for accessing client tools, documentation, and other information including support contact information.
- (2) Tyler Search -a knowledge based search engine that lets you search multiple sources simultaneously to find the answers you need, 24x7.
- (3) Tyler Community –provides a venue for all Tyler clients with current maintenance agreements to collaborate with one another, share best practices and resources, and access documentation.
- (4) Tyler University – online training courses on Tyler products.

Support Availability

Tyler Technologies support is available during the local business hours of 8 AM to 5 PM (Monday – Friday) across four US time zones (Pacific, Mountain, Central and Eastern). Tyler’s holiday schedule is outlined below. There will be no support coverage on these days.

New Year’s Day	Labor Day
Martin Luther King, Jr. Day	Thanksgiving Day
Memorial Day	Day after Thanksgiving
Independence Day	Christmas Day

Emergency 24-hours per day, 7 days per week, telephone support is available for reporting Priority Level 1 Defects for Enterprise CAD, eCitation and Jail Manager only. After 9:00 p.m., the Enterprise CAD, Enforcement Mobile and Jail Manager phone support will be provided via pager, and a support representative will respond to CAD service calls within 30 minutes of call initiation to assist the customer in triaging the incident. The incident will be escalated throughout our support apparatus until service is



restored.

Incident Handling

Incident Tracking

Every support incident is logged into Tyler’s Customer Relationship Management System and given a unique case number. This system tracks the history of each incident. The case number is used to track and reference open issues when clients contact support. Clients may track incidents, using the case number, through Tyler’s Customer Portal or by calling software support directly.

Incident Priority

Each incident is assigned a priority level, which corresponds to the Client’s needs. Tyler and the Client will reasonably set the priority of the incident per the chart below. This chart is not intended to address every type of support incident, and certain “characteristics” may or may not apply depending on whether the Tyler software has been deployed on customer infrastructure or the Tyler cloud. The goal is to help guide the Client towards clearly understanding and communicating the importance of the issue and to describe generally expected response and resolution targets in the production environment only.

References to a “confirmed support incident” mean that Tyler and the Client have successfully validated the reported Defect/support incident.

Priority Level	Characteristics of Support Incident	Resolution Targets*
1 Critical	Support incident that causes (a) complete application failure or application unavailability; (b) application failure or unavailability in one or more of the client’s remote location; or (c) systemic loss of multiple essential system functions.	Tyler shall provide an initial response to Priority Level 1 incidents within one (1) business hour of receipt of the incident. Once the incident has been confirmed, Tyler shall use commercially reasonable efforts to resolve such support incidents or provide a circumvention procedure within one (1) business day. For non-hosted customers, Tyler’s responsibility for lost or corrupted data is limited to assisting the Client in restoring its last available database.
2 High	Support incident that causes (a) repeated, consistent failure of essential functionality affecting more than one user or (b) loss or corruption of data.	Tyler shall provide an initial response to Priority Level 2 incidents within four (4) business hours of receipt of the incident. Once the incident has been confirmed, Tyler shall use commercially reasonable efforts to resolve such support incidents or provide a circumvention procedure within ten (10) business days. For non-hosted customers, Tyler’s responsibility for loss or corrupted data is limited to assisting the Client in restoring its last available database.

Priority Level	Characteristics of Support Incident	Resolution Targets*
3 Medium	Priority Level 1 incident with an existing circumvention procedure, or a Priority Level 2 incident that affects only one user or for which there is an existing circumvention procedure.	Tyler shall provide an initial response to Priority Level 3 incidents within one (1) business day of receipt of the incident. Once the incident has been confirmed, Tyler shall use commercially reasonable efforts to resolve such support incidents without the need for a circumvention procedure with the next published maintenance update or service pack, which shall occur at least quarterly. For non-hosted customers, Tyler’s responsibility for lost or corrupted data is limited to assisting the Client in restoring its last available database.
4 Non-critical	Support incident that causes failure of non-essential functionality or a cosmetic or other issue that does not qualify as any other Priority Level.	Tyler shall provide an initial response to Priority Level 4 incidents within two (2) business days of receipt of the incident. Once the incident has been confirmed, Tyler shall use commercially reasonable efforts to resolve such support incidents, as well as cosmetic issues, with a future version release.

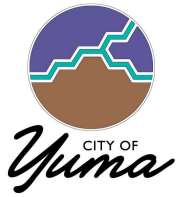
**Response and Resolution Targets may differ by product or business need*

Incident Escalation

If Tyler is unable to resolve any priority level 1 or 2 defect as listed above or the priority of an issue has elevated since initiation, you may escalate the incident to the appropriate resource, as outlined by each product support team. The corresponding resource will meet with you and any Tyler staff to establish a mutually agreeable plan for addressing the defect.

Remote Support Tool

Some support calls may require further analysis of the Client’s database, processes or setup to diagnose a problem or to assist with a question. Tyler will, at its discretion, use an industry-standard remote support tool. Tyler’s support team must have the ability to quickly connect to the Client’s system and view the site’s setup, diagnose problems, or assist with screen navigation. More information about the remote support tool Tyler uses is available upon request.



City of Yuma

City Council Report

File #: MC 2025-043

Agenda Date: 4/2/2025

Agenda #: 2.

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

TITLE:

Contract Award: Traffic Engineering On-Call Services

SUMMARY RECOMMENDATION:

Award a one-year contract with the option to renew for four additional one-year periods, one period at a time, depending on the appropriation of funds and satisfactory performance, for Professional Traffic Engineering Services on a Delivery Order basis to the following eight firms: CivTech Inc., Tucson, Arizona, Greenlight Traffic Engineering, LLC, Peoria, Arizona, Kimley-Horn, Phoenix, Arizona, Kittelson & Associates, Inc. Tucson, Arizona, Nicklaus Engineering, Inc., Yuma, Arizona, Psomas, Tucson, Arizona, Southwest Traffic Engineering, LLC, Phoenix, Arizona and Wilson & Company, Inc., Engineers & Architects of Phoenix, Arizona. (Engineering-RFQ-25-212) (David Wostenberg/Robin R. Wilson)

STRATEGIC OUTCOME:

This on-call contract furthers the City Council's Safe and Prosperous and Connected and Engaged strategic outcomes. The on-call contract will provide professional traffic engineering services needed to improve transportation and mobility for all modes of travel within the City of Yuma.

REPORT:

The City has been utilizing open-ended consultant contracts for various types of engineering services on a delivery order for over 30 years. These on-call contracts are used to obtain study and design services; bid assistance; construction inspection and administration and post-construction documentation and analysis; land survey; and other related professional services as necessary by the City for Capital Improvement Program (CIP) and other miscellaneous projects required by individual City departments.

A Request for Qualifications (RFQ) process was initiated to obtain a statement of qualifications (SOQ) submittals from qualified traffic engineering firms to perform the services under a delivery order form of contract in accordance with, and as regulated by current State of Arizona Board of Technical Registration Code and Rules. Each project will be authorized by a delivery order specifying the scope of services required, the maximum time allowed for the services and the fee.

Although the amounts will vary, the maximum value of each delivery order shall not exceed \$500,000.00. The City will not guarantee each delivery order will be any specific amount or that the Consultants(s) will receive a

minimum number of delivery orders. Any delivery order under this contract that will exceed \$100,000 and be less than \$500,000 will require City Council approval.

The City received SOQs from 18 firms. The evaluation committee, comprised of City staff, reviewed and rated the proposals received, based on the scoring matrix of each firm within the RFQ. City Staff recommends awarding to the top eight highest-ranked firms as determined by the evaluation committee scoring.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$ 1,500,000.00	BUDGETED:	1,500,000.00
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 \$ 1,500,000.00			
Various Accounts			
To total; right click number & choose "Update Field"			

FISCAL IMPACT STATEMENT:

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

ADDITIONAL INFORMATION:

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

None

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

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

Acting City Administrator: John D. Simonton	Date: 03/25/2025
Reviewed by City Attorney: Richard W. Files	Date: 03/23/2025



City of Yuma

City Council Report

File #: MC 2025-044

Agenda Date: 4/2/2025

Agenda #: 3.

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 checked="" 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:

Engineering Services: Water Treatment Facility Auxiliary Power Improvements

SUMMARY RECOMMENDATION:

Approve an engineering on-call services contract for the construction phase of the Water Treatment Facility Auxiliary Power Improvements in the amount of \$102,702.00 to Carollo Engineering, Inc. (Engineering-RFQ-23-087) (David Wostenberg/ Robin R. Wilson)

STRATEGIC OUTCOME:

Improving the emergency power system at the Main Street Water Treatment Facility to operate during electrical power outages aligns with the City Council's strategic outcomes of Safe and Prosperous and Respected and Responsible by enhancing safety and reliability of the Main Street water plant.

REPORT:

On December 21, 2022, City Council awarded contracts from a Request for Qualifications for Professional Engineering On-Call Services for Water and Wastewater Systems to: Carollo Engineers, Inc., Yuma, AZ; Entellus Inc., Phoenix, AZ; Stantec Consulting Services Inc., Chandler, AZ; Wilson Engineers, Tempe, AZ; and WSP USA Environment & Infrastructure Inc., Phoenix, AZ.

Many jobs have been completed through this RFQ; however, this project is over \$100,000.00, which requires City Council approval. Carollo Engineering was the design engineer for this project.

The Main Street Water Treatment Plant is not sustainable when operated during power outages. Improvements are needed to the Zone 2 Motor Control Center, including an 800-amp breaker installation and a power circuit from the existing standby generator to the raw water intake structure.

Improving the emergency power system at the Main Street Water Treatment Facility to operate during electrical power outages will assure no water interruptions to City of Yuma residents.

FISCAL REQUIREMENTS:

CITY FUNDS:	\$102,702.00	BUDGETED:	\$ 250,000.00
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\$ 102,702.00		
421 Water fund CIP 0037-Water11		
To total; right click number & choose "Update Field"		

FISCAL IMPACT STATEMENT:

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

ADDITIONAL INFORMATION:

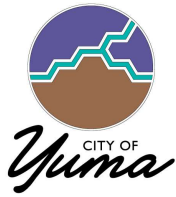
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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Acting City Administrator: John D. Simonton	Date: 03/25/2025
Reviewed by City Attorney: Richard W. Files	Date: 03/23/2025



City of Yuma

City Council Report

File #: MC 2025-045

Agenda Date: 4/2/2025

Agenda #: 4.

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

TITLE:

Request for Qualifications: Job Order Contracting (JOC) for Utility Infrastructure Services

SUMMARY RECOMMENDATION:

Authorize the City Administrator to execute a Utility Infrastructure Services Job Order Contract (JOC) with the following firms: Taylor Engineering, Yuma, Arizona; PCL Construction Inc., Tempe, Arizona; Enterprise Automation, Peoria, Arizona; KE&G Construction, Tucson, Arizona; DPE Construction, Inc., Yuma, Arizona. (Engineering - RFP-25-159) (David Wostenberg/Robin R. Wilson)

STRATEGIC OUTCOME:

The ability to procure services with a JOC furthers the City Councils strategic outcome of Respected and Responsible by streamlining construction and maintenance projects through a contract with pre-set prices for various tasks, eliminating the need for individual project bidding and resulting in faster execution and cost savings.

REPORT:

Job Order Contracting (JOC) is an on-call, collaborative construction project delivery method that provides multiple benefits to owners such as the City of Yuma. Among these benefits are quicker time to completion, lower cost of procurement, cost certainty, improved quality and collaborative project development. The City has used JOC to successfully deliver construction projects for over a decade. Originally implemented and operated with assistance from an outside consultant, the City later independently implemented its own JOC contracts. Over that time the City has continued to evolve and advance its knowledge and skill in the use of JOC. With the successes realized using JOC, the City is now upgrading its JOC program by expanding to include a more diverse array of construction disciplines, implementing a more comprehensive set of program controls (price, performance and reporting), and providing more comprehensive program level guidance and feedback for staff and our industry partners alike.

Each JOC master contract establishes the terms and conditions, cost multipliers, and performance requirements for the construction of projects to be assigned at a later time through individual Job Orders. By awarding these JOC master contracts, City Council is authorizing the City to assign Job Orders to the approved JOC contractors at values up to but not exceeding \$2,000,000 per Job Order. Job Orders exceeding \$100,000 will be submitted to City Council for approval prior to that Job Order being issued, emergencies (i.e. water main break) notwithstanding, in which case the Job Order would be approved by City Council as a

ratification.

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

The amount and funding source will be provided in the CCR for with each Job Order.

ADDITIONAL INFORMATION:

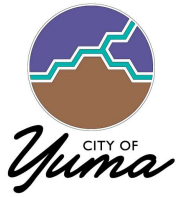
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

Click or tap here to enter text. NONE

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

- Department
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Acting City Administrator: John D. Simonton	Date: 03/25/2025
Reviewed by City Attorney: Richard W. Files	Date: 03/23/2025



City of Yuma

City Council Report

File #: MC 2025-046

Agenda Date: 4/2/2025

Agenda #: 5.

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

TITLE:

Final Plat: Butler Estates Unit No. 1 Subdivision

SUMMARY RECOMMENDATION:

Approve the final plat for the Butler Estates Unit No. 1 Subdivision, located at the southwest corner of E. 36th Street and S. Avenue 10E. (SUBD-43734-2025) (Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

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

REPORT:

The subdivision property is located at the southwest corner of E. 36th Street and S. Avenue 10E, Yuma, AZ.

The subject properties and the adjacent properties to the north and south were part of Ranchos el Toreo, a residential subdivision of 28 lots of 4.8 acres in size. This Yuma County subdivision was platted and recorded in 1965. The property was annexed into the City of Yuma with ANEX-7505-2014 (03/18/2015) and maintained its Recreational Vehicle (RVS) Zoning.

This final plat is only for Unit No. 1. The proposed Units 1, 3, and 4 will align with Unit 2 (which is under separate ownership). The developers of Units 1, 3, and 4 are working with the owner of Unit 2 to ensure a seamless, cohesive residential neighborhood. There will be deed restrictions on all lots requiring site-built residences only.

With this phase, the applicant proposes to construct 91 single-family residences on approximately 24.43 acres. The development is planned for single-family residential lots ranging in size from 6,121 square feet to 11,702 square feet, meeting the minimum lot size requirements for the RVS District.

As specified in the Yuma City Code §154-05.04, the following development standards apply to the RVS District:

1. The maximum lot coverage in the RVS District shall not exceed 55% of the lot area;
2. A minimum front yard setback of 10 feet;

3. A minimum side yard setback of 5 feet;
4. A minimum rear yard setback of 10 feet;
5. A maximum building height of 20 feet; and
6. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

Approval of the final plat for the Butler Estates Unit No. 1 Subdivision shall be subject to the following conditions:

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers crossing the easement.
5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.
6. A time frame of build-out for the subdivision shall be submitted to the Yuma School District to enable the districts to adequately plan for future school facilities.
7. An 8 ½" X 11" paper copy of this subdivision plat, showing the location of the group mailboxes and signed as APPROVED by the local Yuma Postmaster, shall be submitted to the City within sixty (60) calendar days of the effective date of approval of the subdivision final plat and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.
8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) for the maintenance of required subdivision landscaping prior to the recording of the final plat.
9. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

The preliminary plat for the Butler Estates Units 1, 3, and 4 Subdivision was approved by the Planning and Zoning Commission on September 9, 2024 (SUBD-42965-2024).

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

“**Robert Blevins, Principal Planner** summarized the staff report and recommended APPROVAL.

QUESTIONS FOR STAFF

“**Gregory Counts - Planning and Zoning Commissioner** asked about the traffic analysis, questioning what would happen to the plat if the analysis recommended against the plan.

“**Andrew McGarvie, Engineering Manager**, said they changed the traffic requirements after discussing the need for at least 100 trips per hour. If trips were less than 100 per hour, no traffic study was needed.

McGarvie noted that the City planned a traffic signal at 32nd St. and Avenue 10E for \$1.2 million, with design in 2027 and construction in 2028. They also planned to widen Avenue 10E from 32nd to 40th St. to five lanes in fiscal year 2028 for \$800,000 and noted that the major project was 40th St., which the City aimed to construct from Avenue 6E to Fortuna Road, in collaboration with the County.

“**Chelsea Malouff- Planning and Zoning Commissioner** expressed concern, stating that the South Frontage Road couldn't support the subdivision at that time. **Malouff** then asked if the City planned to work with Yuma County to assist with the infrastructure on the roads. **McGarvie** stated that it would be the City's responsibility to make any road improvements to or along the frontage road going toward town.

“**John Mahon- Planning and Zoning Commissioner** asked for information on the minimum parcel sizes and the minimum space sizes in the RVS zoning district. **Blevins** stated that for an RV or manufactured home, the minimum size was 2,400 square feet and mentioned that the subdivision under review had lots ranging from 6,000 to 9,000 square feet, with an average of about 8,000 square feet, which were larger than the lots in the subdivisions on either side of it.

APPLICANT/APPLICANT'S REPRESENTATIVE

“**Craig Colvin**, 6105 E. Alyssa Ln, Yuma, AZ was available for questions and stated that Unit 2 of the subdivision was approved last year, and the intent was to align the construction of Unit 1 and Unit 2 to support the infrastructure of Unit 2.

“**Chris Hamel- Chairman, Planning and Zoning Commission**, inquired about the possibility of riverbeds running under the property. **Colvin** responded that while there had been water movement, he was not aware of any riverbeds on the property. **Hamel** then asked **Colvin** if he knew about the burrowing owl in the area and the location of their habitat. **Colvin** replied that he had no knowledge of the habitat's location.

PUBLIC COMMENT

“**Lester Favish**, 10123 E. 37th Street, Yuma, AZ, said that there were riverbeds under the property and if no water was flowing and they dried up due to the heat and water shortage, the land would collapse. **Favish** mentioned that there were burrowing owls on that land, and it was against both state and federal laws to interfere with them since they were protected species. He also noted that there were lizards on the land, which were also state-protected species. **Favish** also expressed concerns about traffic and frequent accidents on 10 E, suggesting that a three-way stop could help reduce these incidents. **Favish** noted that all the schools are located on the other side of the freeway, leaving the east and south sides of the area without schools. He pointed out that without proper infrastructure, the area can't support more development. He also mentioned gathering about 2,900 signatures and is thinking about filing a class action lawsuit because of the lack of response from the City.

“Jennifer Matthews, 11762 S. Avenue 10E, Yuma AZ, expressed concerns about the conditions of the road and traffic. Noting that there should be accommodations for the existing residents.

“Morgan Ary, 11832 S. Avenue 10E, Yuma, AZ can confirm the presence of the burrowing owls in the area and expressed concerns about being backed up against four neighbors and the road conditions and traffic in the area.

“Hamel asked if 10E would be widened down to East 36th Street. McGarvie said it would go from 32nd Street to 40th Street. Hamel then asked if there were any easements in place. McGarvie said that City would have to purchase some right-of-way from property owners.

“Lorraine Arney - Planning and Zoning Commissioner asked if there was a timeframe for the completion of Unit 1. Colvin responded that he did not have an exact timeline but estimated it would take up to a year to get the infrastructure in place.

“Mahon asked if the applicant would dedicate 50 feet of right-of-way on the plat. McGarvie responded that there is a dedication of 33 feet on the plat, with an additional 17 feet to be requested.

“Motion by Arney, second by Ashlie Pendleton- Planning and Zoning Commissioner to APPROVE SUBD-42965-2024 as presented, with the following modifications: condition #6 shall now read, 'The Owner/Developer shall provide a traffic analysis based on the Trip Generation Manual from the Institute of Transportation Engineers (ITE), conducted by an Arizona registered engineer with traffic experience, detailing the expected peak hour vehicular trips from the proposed development.' Additionally, condition number #7 shall be eliminated, and the remaining conditions shall be renumbered accordingly. Motion carried unanimously, (7-0).”

Planning Commission Preliminary Plat Staff Report - Attached.

The City Council’s approval of this motion accepts the final plat of the Butler Estates Unit No. 1 Subdivision as submitted, including the conditions of approval written above.

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

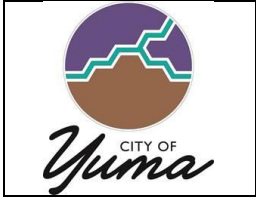
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Acting City Administrator: John D. Simonton	Date: 03/25/2025
Reviewed by City Attorney: Richard W. Files	Date: 03/23/2025



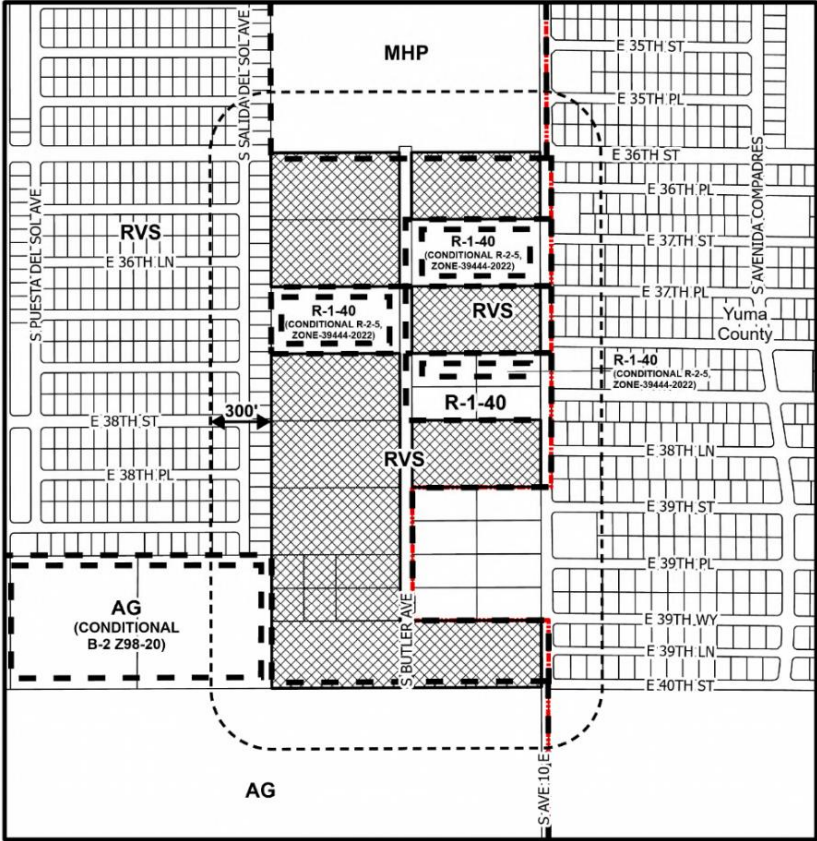
STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – PRELIMINARY SUBDIVISION
CASE PLANNER: BOB BLEVINS

Hearing Date: September 9, 2024 **Case Number:** SUBD-42965-2024

Project Description/Location: This is a request by Colvin Engineering, Inc., on behalf of Hardknocks AZ LTD Partnership, for approval of the preliminary plat for the Butler Estates Units 1, 3, and 4 Subdivision. This subdivision contains approximately 53.93 acres and is proposed to be divided into 203 residential lots, ranging in size from approximately 6,003 sq. ft. to 11,735 sq. ft., for the properties located at the southwest corner of E. 36th Street and S. Avenue 10E, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	Recreational Vehicle Subdivision (RVS)	Vacant	Medium Density Residential
North	Manufactured Home Park (MHP)	Westwind RV Resort	High Density Residential
South	Agriculture (AG)	Vacant	Low Density Residential
East	County Recreational Vehicle Subdivision (RVS)	Via Chaparral Subdivision	Medium Density Residential
West	Recreational Vehicle Subdivision (RVS)	Vista Del Sol Subdivision	Medium Density Residential/ Low Density Residential

Location Map



Prior site actions: Annexation: ANEX-7505-2014 (03/18/2015).

Staff Recommendation: Staff recommends **APPROVAL** of the preliminary plat for the Butler Estates Units 1, 3, and 4 Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Preliminary Plat SUBD-42965-2024 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the preliminary plat, the Planning and Zoning Commission is acknowledging the street and lot layout of Butler Estates Units 1, 3, and 4 Subdivision which includes 203 lots ranging in size from 6,003 square feet to 11,735 square feet for the property located at the southwest corner of E. 36th Street and S. Avenue 10E, Yuma, AZ., subject to the conditions of the rezoning and the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: The proposed Units 1, 3, and 4 have been planned to be aligned with Unit 2 (which is under separate ownership). The developers of Unit 1, 3, and 4 are working with the owner of Unit 2 to ensure a seamless, cohesive residential neighborhood. There will be deed restrictions on all units to affirm the principal use as site-built residences only.

The original application for Units 1, 3 and 4 identified a total number of 200 lots. Upon initial review of the submitted plat, City Engineering requested revisions to combine several retention basins, and neighboring property owners encouraged the basins to be placed to help establish a buffer from existing homes. In a slight redesign of several cul-de-sacs, a more efficient layout of retention basins enabled the buffer and the creation of three additional lots for a total of 203 lots.

The subject properties and the adjacent properties to the north and south were part of Ranchos el Toreo, a residential subdivision of 28 lots, each lot was approximately 4.8 acres in size. This subdivision was recorded in 1965. The northern portion, which extended all the way to Highway 80 (now Interstate 8), is the location of Westwind RV and Golf Resort (formerly Roger's).

The southern half of Ranchos el Toreo has remained undeveloped aside for the construction of six homes with access to Avenue 10E, a paved roadway. There are no other paved roads in or adjacent to this subdivision. Of the original lots, all have been annexed, except lots 24 and 25 which remain outside of the City of Yuma limits. Lots 24 and 25 were split into a total of 8 lots, and are the location of 5 of the 6 homes built in Ranchos el Toreo.

Upon annexation in 2015, the lots in Ranchos el Toreo retained the same zoning as they had in the County. A mixture of Recreational Vehicle Subdivision (RVS) and Low Density Residential (R-1-40). No additional annexations are anticipated.

To the east is Via Chaparral Subdivision, zoned RVS in the County, which features site-built homes on lots measuring approximately 6,500 square feet. To the north is the aforementioned RV resort zoned Manufactured Home Park (MHP) in the City. To the west is Vista del Sol Subdivision, zoned RVS in the City with a mixture of dwelling types. To the south of 40th Street is vacant desert in the City zoned Agriculture (AG).

Standard	Subdivision				Conforms				
Lot Size	Minimum:	6,003 SF		Maximum:	11,735 SF		Yes	X	No
Lot Depth	Minimum:	80.65 FT		Maximum:	140.29 FT		Yes	X	No
Lot Width/Frontage	Minimum:	60.00 FT		Maximum:	69.51 FT		Yes	X	No
Setbacks	Front:	20 FT	Rear:	10 FT	Side:	5	Yes	X	No
District Size	53.93	Acres				Yes	X	No	
Density	3.76	Dwelling units per acre				Yes	X	No	
Issues: Density below 5 units per acre. Zoning predates General Plan requirements. Annexed as RVS.									

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

Yes.

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

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

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

Yes.

Land Use Element:									
Land Use Designation:		Medium Density Residential							
Issues:		Density below 5 units per acre. RVS Zoning predates General Plan.							
Historic District:	Brinley Avenue		Century Heights		Main Street		None	X	

Historic Buildings on Site:	Yes		No	X	
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Transportation Element:

FACILITY PLANS						
TRANSPORTATION MASTER PLAN	Planned	Existing	Gateway	Scenic	Hazard	Truck
Avenue 10E- 4 Lane Minor Arterial	50 FT H/W ROW	50 FT H/W ROW				
40 th Street - 4 Lane Minor Arterial	50 FT H/W ROW	17-50 FT H/W ROW				X
Bicycle Facilities Master Plan	Avenue 10E- Proposed Bike Lane.					
YCAT Transit System	S. Frontage Road- Gold Route.					
Issues:	None					

Parks, Recreation and Open Space Element:

Parks and Recreation Facility Plan		
Neighborhood Park:	Existing: Saguaro Park	Future: None
Community Park:	Existing: None	Future: Agua Viva Urban Lake Park
Linear Park:	Existing: None	Future: Gila Main Canal Linear Park
Issues:	None	

Housing Element:

Special Need Household:	N/A
Issues:	None

Redevelopment Element:

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

Conservation, Energy & Environmental Element:

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

Public Services Element:

Population Impacts Population projection per 2018-2022 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	Single Family		Population	Impact	Consumption		Generation
	Proposed	Per Unit		Officers	GPD	AF	GPD
	203	2.71	550	1.04	113,877	127.6	38,509

Fire Facilities Plan:	Existing: Fire Station #5			Future: Fire Station #7		
Water Facility Plan:	Source:	City	X	Private	Connection	10" PVC on Stetson Street
Sewer Facility Plan:	Treatment:	City		Septic	Private	X Foothills Utilities
Issues:	None					

Safety Element:

Flood Plain Designation:	Zone X	Liquefaction Hazard Area:	Yes		No	X
Issues:	None					

Growth Area Element:

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

Public Comments Received:

Name:	Sheila Ickes			Contact Information: 928-941-8827						
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
Worried about row of new houses to the west. They will be extremely close to west side of Avenue 10E.										

Name:	Phone call- did not leave name.			Contact Information:						
Method of Contact:	Phone	X	FAX		Email		Letter		Other	
She requested the meeting be moved to January since "50% affected are snowbirds and did not get notice. It takes a month or two to forward mail and it is iffy."										
<p><i>Response for the developer:</i></p> <p><i>"Our timing has nothing to do with winter visitors being gone. We are trying to work with the adjacent Lines project which already has a tentative plat approval. They are very anxious to start their development and we are trying to help with infrastructure, since our first phase coincides with their development.</i></p> <p><i>"Our project will be built in 3 phases and not all phases will be built at the same time. The project will most likely be spread over 3-10 years, allowing for 40th Street and other traffic improvements to be done by the city in that timeframe."</i></p>										

Name:	Ron Hewitt			Contact Information: rjhewitt@live.com						
Method of Contact:	Phone		FAX		Email		Letter		Other	
<p>"There is a great deal of development going on in this neighborhood. What I do not see is improvements to infrastructure to support this development. Traffic is my main concern. A lot more vehicles will be using the existing roads. They need to be improved on. There needs to be a light at 10E and the South Frontage road at a minimum. That is a horrible and poorly designed intersection. There is no visibility if turning left onto the Frontage from 10E. I've witnessed several severe accidents at his intersection. A friend spent 6 months in hospital as a result of an accident at that corner. If you've never done it then I invite you to head on over here, drive north on 10E to the Frontage and see for yourself that which I speak of. Then imagine it's January and thousands more cars are here. Paving 40E west for 10E would relieve a lot pressure from the Frontage. The Frontage road needs widening. They did it on the north side. Time to do the south side.</p> <p>"The water pressure here is outrageous. I measured 140psi at my house when a line broke in the night causing extensive damage. A representative of Foothills Utilities explained to me that some of their water lines laid down many years ago are very narrow. In order to get a minimum pressure to these older homes through the narrow pipes the pressure needs to be high. A fix needs to be put in place.</p> <p>"How many Sheriff Deputies will be hired with the increased revenue? With all these new houses and businesses being built I'm sure the County's tax intake has increased. What is this money being spent on? It needs to be spent improving the infrastructure. I'm firmly against any new development until these or similar improvements are made. I've communicated my thoughts to my elected official as well.</p> <p><i>Response from the developer: "The water is supplied by the City of Yuma and already has an assured water agreement with the ADWR. It is my understanding that the City is working on plans to extend 40th Street to Avenue 10E to relieve traffic congestion in this area."</i></p>										

Name:	Larry Dixon			Contact Information:	shelad06@gmail.com >				
Method of Contact:	Phone		FAX		Email	X	Letter		Other

Not that Yuma nor the builders care about our desert, just where is the water going to come from after these 200 lots are completed? In my honest opinion, no. There should be no more housing in this area. Just look at the housing going in behind the Walmart. Nobody has answered the question about where the water for that will come from. I can't sit back, watch the builders build, and then worry about the consequences later. Not to mention the sewer smells we live with that still hasn't been resolved. Whats 200 more lots gonna do. And traffic. What are the plans for all the traffic? Just lower the speed limit again? No, we don't need more housing. The city can't plan for and take care of whats here already. So what I am hearing is the city has assured a water agreement even if there is a shortage of water. And why wouldn't the city ensure that the traffic situation is taken care of prior to building. There are accidents at 10E and 32nd all the time. Even fatalities. So dumping 200 more families in the area is a good idea? Lets do the math. 200 families. At average, 2 cars per family. 400 more cars. And so far all that's been done is lower the speed limit from 45 mph to 40 mph. And the winter visitors are not even here yet. Now my understanding is out here, 40th street is county. And the 22 years I have lived here, the city could not extend 40th because of that. These problems need to be fixed first.

Response from the developer:

"The water is supplied by the City of Yuma and already has an assured water agreement with the ADWR.

"It is my understanding that the City is working on plans to extend 40th Street to Avenue 10E to relieve traffic congestion in this area. I'm not sure I can elaborate more about the City's assured water supply. I am unaware of any water shortage. It would probably be best if the City responded to the water supply and any proposed improvements to address traffic issues at Avenue 10E & the South Frontage Road, as well as the timing of improvements to 40th Street going west."

External Agency See Attachment C.

Comments:

Neighborhood Meeting See Attachment E.

Comments:

Proposed conditions delivered to applicant on: 08/07/24

Final staff report delivered to applicant on: 08/26/24

<input checked="" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: 08/14/24
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

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

Prepared By: *Robert M. Blevins* **Date:** 08/13/24
Robert M. Blevins
Principal Planner Robert.Blevins@yumaaz.gov (928) 373-5189

Approved By: *Jennifer L. Albers* **Date:** 8/15/24
Jennifer L. Albers,
Assistant Director of Planning

**ATTACHMENT A
PRELIMINARY PLAT
CONDITIONS OF APPROVAL**

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

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

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

City Attorney Comments: (928) 373-5058:

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

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

6. Owner/Developer shall provide a traffic study per City of Yuma construction standard 2-040, with recommendations for onsite and offsite improvements. Please contact the City traffic engineer for the boundaries of the traffic study.
7. Owner/Developer shall provide on and offsite mitigation or payment in lieu of, for portions of the offsite improvements listed in the traffic study, if City is agreeable.
8. Owner/Developer shall design and construct the east half of Butler Avenue between 38th Lane and 39th Lane, except for the sidewalk adjacent to any undeveloped County lot.
9. Owner/Developer shall dedicate right-of-way to the City of Yuma at the northwest corner of Avenue 10E & 40th Steet for a southbound to west bound right turn lane.

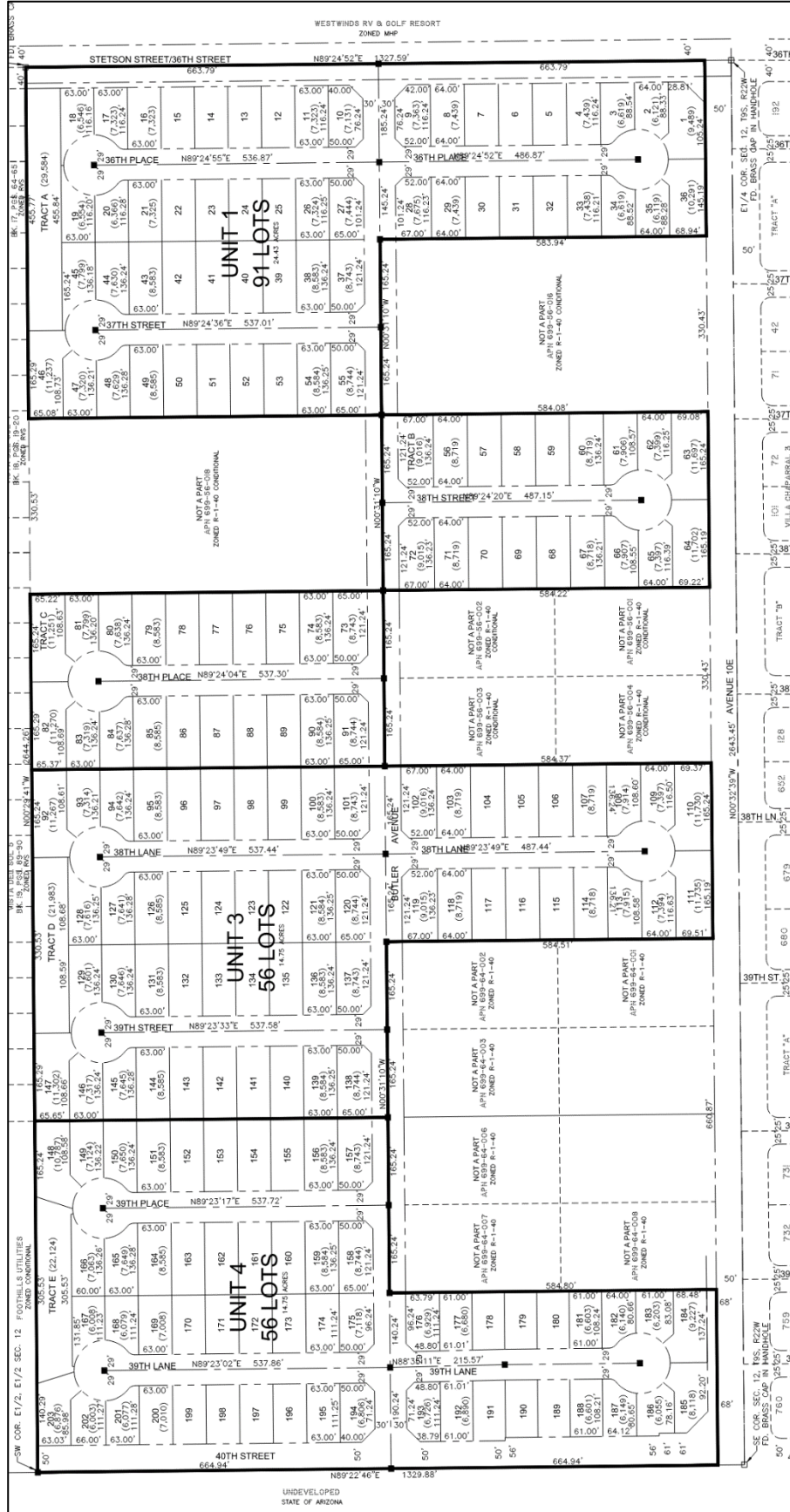
10. Owner/Developer shall dedicate a corner triangle at the Northwest corner of 40th Steet & Avenue 10E with 40-foot legs.
11. Owner/Developer shall dedicate a corner triangle at the southwest corner of 36th Street (Stetson Street) & Avenue 10E with 40-foot legs.
12. Owner/Developer shall arrange the small Tracts D, E, G, H, and I such that they back up to each other where possible.
13. Owner/Developer shall design Butler Avenue with the sidewalk setback 3 feet from the edge of curb, such that future expansion of Butler Avenue can occur if needed to a residential collector street in the future.
14. Owner/Developer shall layout and construct no parking signs along Butler Avenue per the Manual of Uniform Traffic Control Devices (MUTDC).
15. Owner/Developer shall construct a 20 foot wide emergency access road per City of Yuma construction standard 2-045, along 40th Street and Butler Avenue connecting with Unit 2 between 39th Street and 39th Place, in the event that 40th Street has not been constructed, when development of Unit 2 goes forward. If 40th Street has been constructed, then only the leg along Butler Avenue would be required to provide secondary emergency access.
16. Owner/Developer shall provide a 1' non-access easement along the east property line of properties adjoining Avenue 10E, the south property lines of properties adjoining 40th Street, and the north property lines of properties adjoining 36th Street/Stetson Street.
17. Owner/Developer shall design and construct a 6 foot tall concrete masonry unit block wall as measured from the highest adjacent grade around the subdivision perimeter per City of Yuma construction standard 1-015. An alternative wall design can be proposed with appropriate structural engineering calculations.
18. All exterior subdivision fencing shall be constructed of masonry. Access gates, whether vehicular or pedestrian, shall not be permitted along the exterior masonry fencing for the subdivision, including fencing along E. 36th Street (Stetson Street), 40th Street, Butler Avenue, and Avenue 10E. Such fencing can be removed during the construction of pools, in order to access utility or drainage easements, or during other residential construction; however, such masonry fencing and adjacent landscaping will need to be replaced accordingly.

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

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

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

ATTACHMENT B PRELIMINARY PLAT MAP



**ATTACHMENT C
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** 08/16/24
- **300' Vicinity Mailing:** 07/22/24
- **34 Commenting/Reviewing Agencies noticed:** 07/25/24
- **Site Posted on:** 07/30/24
- **Neighborhood Meeting:** 08/06/24
- **Hearing Date:** 09/09/24
- **Comments due:** 08/05/24

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	07/29/24	X		
Yuma County Engineering	YES	07/26/24		X	X
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	07/26/24	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	07/29/24	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	07/29/24		X	X
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	07/30/24		X	X
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT D
AGENCY COMMENTS**

COMMENT NO COMMENT

Enter comments below:

Will the City of Yuma be annexing those portions of 10E?

DATE: **7/26/24** NAME: **Santos Guerrero** TITLE: **Deputy Director**
 AGENCY: **Yuma County**
 PHONE: **(928) 341-2500**
 RETURN TO: **Robert.Blevins@YumaAZ.gov**

Condition(s) No Condition(s) Comment

Enter conditions here: **Provide paved primary and secondary fire department access0 (40th St. from Butler Ave to Ave 10E, and 36th St. in either direction).**

DATE: **7/29/24** NAME: **Kayla Franklin** TITLE: **Fire Marshal**
 CITY DEPT: **Fire**
 PHONE: **928-373-4865**
 RETURN TO: **Robert Blevins**
Robert.Blevins@YumaAZ.gov

Condition(s) No Condition(s) Comment

Enter conditions here: **The subject parcel is located approximately 2 miles from the Barry M. Goldwater Range West (BMGR-W) northern boundary. It is requested that Avigation easement and Range Disclosure Statements be recorded to recognize the noise, interference, or vibrations due to aviation operations that may occur at the nearby Marine Corps Air Station Yuma, Yuma International Airport Aviation Complex, BMGR, and its associated flight paths. Please send a copy of the recorded easements to MCASYUMA_CPLO@usmc.mil. Thank you for the opportunity to review and comment.**

DATE: **30 July 2024** NAME: **Antonio Martinez** TITLE: **Community Liaison Specialist**
 CITY DEPT: **MCAS Yuma**
 PHONE: **928-269-2103**

A. Mantz

ATTACHMENT E
NEIGHBORHOOD MEETING COMMENTS

Date Held: 08/06/24

Location: The west side of Ave.10E at 36th St.

Attendees:

Applicant/Agent: Nathan and Lane Heida

City Staff: Bob Blevins

Eleven neighbors in attendance: Norm Olsen, Cheryl Hendricksen, Sheila Ickes, Gary Albert, Jennifer Matthews, Lester Favish, Emert & Laura Knaresboro, Chris Marche, Liz Lara, Virginia Mendoza, Marissa Gomez.

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

Neighbor (N); Developer (D)

(N) This is RVS so no high-rise? (D) Correct, 100% one story houses.

(N) Traffic is an issue.

(D) 209 [200] houses in this subdivision.

(N) Will 37th Street be open to Vista del Sol? (D) Yes.

(N) Problem is sewer.

(D) Foothills Utilities confirms capacity is available. New lift station and new building/roof improvements.

(N) When was this annexed? (D) 20 years ago. [actually in 2015]

(N) This is RVS. When did it change? Snowbirds won't like this. They are already moving away.

(D) RVS gives option to park an RV & CCRs limit construction to site-built homes.

(N) Someone needs to contact the school district. They are over-crowded. All schools are over-capacity.

(N) Do you know about the protected species? Burrowing owl and horned lizard.

(D) Fish and Game is notified. We get a Public Report. It also confirms water and sewer.

(D) We would like to start construction in about a year. Will be in phases for a few years. We are trying to work with the adjacent project which already has plat approval. They want to start their development and we are coordinating with them, since our first phase coincides with their development.

(N) Hopefully a stop light at the Frontage Road? City won't do a thing.

(N) Existing 10E subdivision [built by this developer] looks like a housing project.

(N) We were not notified of the outcome of the prior subdivision public hearing. We will do a class action suit.

(N) Cannot handle this new subdivision. Fry's is crowded and the shelves are empty.

(N) Need a new Walmart and new grocery store.

(D) Sprouts is coming. (N) This is not a Sprouts type of crowd.

(N) There will be 5 backyards behind me. You should put retention basin as a buffer.

(N) There is a water flow issue.

(N) Takes 20 minutes to get on the Frontage Road.

(N) 40th Street needs to be paved. (D) Maybe in 2 years.

(D) Fire department reviews access.

(N) This will overload schools, and grocery stores.

**ATTACHMENT F
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code		
4W AZ LLC	2851 S AVE B SUITE 18	YUMA	AZ	85364
AGUILERA & COLINA FAMILY TRUST 5-18-2023	1493 LA CHICA DR	CHULA VISTA	CA	91911
ANAYA ALONSO FRANCO	9728 E 36TH ST	YUMA	AZ	85364
ARGUELLES ELIZABETH	PO BOX 4933	YUMA	AZ	85366
ARY MORGAN B & MONICA C	11832 S AVENUE 10 E	YUMA	AZ	85365
BAILEY CARL & BETTY TRUST 12-19-2017	9723 E 36TH LN	YUMA	AZ	85367
BAILEY CARL A JR & CARRIE E	3240 FAIRLAND DR	RENO	NV	89523
BANUELOS GRISELDA J	10441 E 36TH PL	YUMA	AZ	85365
BARREIRO SHERRY REVOCABLE TRUST 2-15-2022	11274 S FORTUNA RD STE D2	YUMA	AZ	85367
BECERRA RODOLFO	9742 E 38TH ST	YUMA	AZ	85365
BERMUDEZ CRISPIN R	3099 W 31ST ST	YUMA	AZ	85364
BILLMAN JOE ETAL JT	10123 E 38TH PL	YUMA	AZ	85365
BOCKUS ROBERT N & JANET C	3849 S SALIDA DEL SOL	YUMA	AZ	85365
BONIFACIUS ROBERT L & BETTY J TRUST 3-23-07	9745 E 38TH PL	YUMA	AZ	85365
BOWEN FAMILY TRUST 12-30-2008	3781 S SALIDA DEL SOL AVE	YUMA	AZ	85365
BROWN DWIGHT E JR & LINDA HONG	10129 E 39TH PL	YUMA	AZ	85365
CAGLE BRENDA M	9737 E 36TH ST	YUMA	AZ	85365
CAMARENA KRISTOPHER J	3676 W 36TH ST	YUMA	AZ	85365
CAMARILLO ANTONIO FELIX	10133 E 38TH PL	YUMA	AZ	85367
CASEY JEFFREY & LISA	PO BOX 55353	NORTH POLE	AK	99705
CASTELLANOS ALEJANDRO	10122 E 36TH ST	YUMA	AZ	85365
CHASE S	3801 S SALIDA DEL SOL	YUMA	AZ	85365
CHRISTENSEN FORREST H & BARBARA A JT	BOX 92	BARNWELL	AB	T0K 0B0
CROTTS DENNIS E & GAYLA A TRUST 8-10-2010	662 QUAIL LN	LE ROY	KS	66857
DAVIS RONALD L & PATRICIA E REVOCABLE LIVING TRUST	PO BOX 1555	CLATSKANIE	OR	97016
DE LA CRUZ JACQUELINE	10136 E 37TH ST	YUMA	AZ	85365
DE LA TORRE JUAN & YOLANDA JT	4617 S BLOSSER RD	SANTA MARIA	CA	93455
DELGADILLO GUADALUPE	9727 E 37TH PL	YUMA	AZ	85365
DESERT VIEW HOMES INC AZ CORP	8671 S FRONTAGE RD	YUMA	AZ	85365
DIEZ FAMILIA AZ LLC	2851 S AVE B SUITE 18	YUMA	AZ	85364
DIEZ FAMILIA AZ LLC	2851 S AVE B SUITE 18	YUMA	AZ	85364
DIXON LARRY A & SHEILA M JT	3671 S SALIDA DEL SOL AVE	YUMA	AZ	85365
EMERY THOMAS JERRY & DEBRA ANN	148 BLUE LAKES BLVD N #181	TWIN FALLS	ID	83301
ESCH PHILIP J TRUST 1-31-214	4830 GETTEL RD	SEBEWAING	MI	48759
EZELL TYLOR MARIE	10113 E 37TH ST	YUMA	AZ	85365
FARMER MAURICE G & SHARON	6152 W WHISTLE STOP RD	SOUTH JORDAN	UT	84009
FAVISH SHELLEY M	10123 E 37TH ST	YUMA	AZ	85365
FIETEN WILLY	9746 E 38TH LN	YUMA	AZ	85367
FOOTHILLS WATER & SEWER LLC	250 SW TAYLOR ST	PORTLAND	OR	97204
FUERST WILMA J	9722 E 36TH LANE	YUMA	AZ	85365
GARCIA FAUSTO	10126 E 38TH LN	YUMA	AZ	85365
GILLAM SHARON	9694 E 36TH LN	YUMA	AZ	85365
GOHL RICHARD L & CYNTHIA A JT	9728 E 38TH ST	YUMA	AZ	85365
GOMEZ-ABUNDIZ ELUTERIO	3861 S SALIDA DEL SOL AVE	YUMA	AZ	85365
GONZALEZ RENEE SANDOVAL	9729 E 38TH ST	YUMA	AZ	85365
GONZALEZ VICENTE H & MARIA D JT	3645 S SALIDA DEL SOL AVE	YUMA	AZ	85365
GOWAN ROBERT W SR & LUZ M REVOCABLE LIVING TRUST	9695 E 36TH LN	YUMA	AZ	85365
GRANGER JOSHUA C	10145 E 37TH PL	YUMA	AZ	85365
GREEN LOLITA Y	11115 WESTONHILL DR	SAN DIEGO	CA	92126
GREENE ROBERT MICHAEL & ELIZABETH	10139 E 38TH LN	YUMA	AZ	85365
GRIESEMER MICHAEL J & JUDY N JT	10127 E 38TH LN	YUMA	AZ	85365
GUERRERO MIGUEL A ET AL	10121 E 35TH PL	YUMA	AZ	85365
GUTIERREZ MANUEL FRANCISCO	6219 E 44TH ST	YUMA	AZ	85365
GUZMAN FRANCISCO & SANDRA	5640 LONDON ST SE	SALEM	OR	97306
HARDKNOCKS AZ LP	190 S MADISON AVE STE 2	YUMA	AZ	85364
HARDKNOCKS LLLP	190 S MADISON AVE STE 2	YUMA	AZ	85364
HARDKNOCKS LLLP	190 S MADISON AVE STE 2	YUMA	AZ	85364
HARDKNOCKS LLLP	190 S MADISON AVE STE 2	YUMA	AZ	85364
HARDKNOCKS LLLP	190 S MADISON AVE STE 2	YUMA	AZ	85364
HARDKNOCKS LLLP	190 S MADISON AVE STE 2	YUMA	AZ	85364
HARDKNOCKS LLLP	190 S MADISON AVE STE 2	YUMA	AZ	85364
HARDKNOCKS LLLP	190 S MADISON AVE STE 2	YUMA	AZ	85364
HARDKNOCKS LTD PART	190 S MADISON AVE STE 2	YUMA	AZ	85365
HARDKNOCKS LTD PART	190 S MADISON AVE STE 2	YUMA	AZ	85364
HARDKNOCKS LTD PART	190 S MADISON AVE STE 2	YUMA	AZ	85365
HARDNOCKS AZ LTD PARTNERSHIP	242 S 1ST AVE	YUMA	AZ	85364
HARDNOCKS AZ LTD PARTNERSHIP	242 S 1ST AVE	YUMA	AZ	85364
HARDNOCKS AZ LTD PARTNERSHIP	242 S 1ST AVE	YUMA	AZ	85364
HARDNOCKS AZ LTD PARTNERSHIP	242 S 1ST AVE	YUMA	AZ	85364

HARDNOCKS AZ LTD PARTNERSHIP	242 S 1ST AVE	YUMA	AZ	85364
HARR MICHAEL J & CONNIE KAYE JT	11788 S AVENUE 10 E	YUMA	AZ	85365
HERNANDEZ GREGORY ROMERO	3837 S SALIDA DEL SOL	YUMA	AZ	85365
HERNANDEZ SINDY MARISOL BRAVO	9703 E 38TH PL	YUMA	AZ	85365
HEWITT RONALD J & MARY E CPWROS	10152 EAST 39TH STREET	YUMA	AZ	85367
HIMES RICHARD & JANICE JT	1602 3RD ST	TILLAMOOK	OR	97141
HIMES RICHARD L & JANICE M TRUST 6-4-1998	1602 3RD ST	TILLAMOOK	OR	97141
HOOKLAND CHRIS & XIAOYING	9705 E 38TH LN	YUMA	AZ	85364
HOWEY KENNETH & DONNA JT	105 1339 MCGIL RD	KAMLOOPS	BC	V2C 6K7
HURTADO JESUS M & MARIA D	9699 E 37TH PL	YUMA	AZ	85365
HUTMACHER JESSE	10133 E 37TH ST	YUMA	AZ	85365
IBARRA JOSE ALBERTO & MARIA LOURDES JT	10124 E 37TH PL	YUMA	AZ	85365
ICKES TRUST 6-6-2019	9743 E 38TH ST	YUMA	AZ	85365
JOHNSTON LOYD D & LINDA R JT	20597 COUNTY RD 306	BUENA VISTA	CO	81211
JOHNSTON LYMAN & SHARON TRUST 4-15-1993	8297 S 4340 ROAD	WELCH	OK	74369
JOHNSTON LYMAN E & SHARON K TRUST 4-15-1993	8297 S 4340 ROAD	WELCH	OK	74369
KAMMERZELL TERRY & ROSALIE	3825 S SALIDA DEL SOL AVE	YUMA	AZ	85365
KAMPE ELIZABETH ANNE TRUST	14889 E 47TH LN	YUMA	AZ	85367
KELLY FAMILY TRUST 4-5-1993	2232 LA CRESTA RD	EL CAJON	CA	92021
KNARESBORO EMERT & LAURA TRUST 12-30-2022	10131 E 39TH WAY	YUMA	AZ	85367
KOTTKE MATTHEW R	10145 E 36TH PL	YUMA	AZ	85365
KRAUTER DONNA MAE E	9700 E 38TH ST	YUMA	AZ	85365
KUHN DAVID JOHN & DEBBRA EARLINE	70132 LAKEWOOD RD	NORTH BEND	OR	97459
LEINBACH DARCI ANN & JASON C JT	10136 E 38TH ST	YUMA	AZ	85365
LEONHART STEVEN THOMAS	3551 S SALIDA DEL SOL	YUMA	AZ	85365
LOPEZ SILVIA	9729 E 36TH ST	YUMA	AZ	85365
MACLEAN A&T TRUST 1-31-2023	10135 E 36TH PL	YUMA	AZ	85365
MALDONADO MIGUEL MIRANDA	9733 E 38TH LN	YUMA	AZ	85365
MARMOLEJO DAVID C II & MARY E	10144 E 37TH PL	YUMA	AZ	85365
MARTINEZ ANTONIO	10114 E 38TH LN	YUMA	AZ	85365
MARTINSON FAMILY TRUST 11-16-08	21801 NE 266TH ST	BATTLE GROUND	WA	98604
MATTHEWS WAYNE & JENNIFER A JT	9290 E 22ND PL	YUMA	AZ	85365
MCCLARAN KEVIN D	10116 E 38TH ST	YUMA	AZ	85365
MENDEZ SAUL & AIDEE	10142 E 36TH ST	YUMA	AZ	85365
MENDOZA ROMAN & VIRGINIA CEBREROS	9304 E SADDLE DR	YUMA	AZ	85365
MILLER JAMES P & VERONE K TRUST 3-24-2005	3657 S SALIDA DEL SOL AVE	YUMA	AZ	85365
MIRANDA JACQUELINE NIKOLE	10128 E 39TH STREET	YUMA	AZ	85365
MIRANTE TRUST 11-7-2022	9732 E 38TH LN	YUMA	AZ	85365
MITCHELL DIRK R	9704 E 38TH LN	YUMA	AZ	85365
MURAVEZ DENNIS L & JEANIE K TRUST 10-27-2006	104 CANYON GREENS CT	LEWISTON	ID	83501
NARDOZZA FAMILY TRUST 11-7-2007	709 PONSETTIA PARK SOUTH	ENCINITAS	CA	92024
NEWBIGGING WILLIAM R & JACQUELINE C JT	11521 S EBY RD	CANBY	OR	97013
OLSEN NORMAN C	3635 S SALIDA DEL SOL AVE	YUMA	AZ	85365
ORTIZ MARCO A & CARMEN M TRUST 11-15-01	PO BOX 4787	YUMA	AZ	85366
OSCAR INVESTMENTS LLC	14551 E 42ND PL	YUMA	AZ	85367
PALMER CHAD G	8066 COMMERCE DR	CASPER	WY	82604
PANEK DEANE M	3885 S SALIDA DEL SOL AVE	YUMA	AZ	85365
PAVLICK-HICKS TRUST 8-15-05	1650 LA MESA AVE	SPRING VALLEY	CA	91977
PEGRUM FAMILY LIVING TRUST 12-6-2010	10141 E 38TH ST	YUMA	AZ	85365
PEREZ MONICA	3639 S SALIDA DEL SOL AVE	YUMA	AZ	85365
POWLUSKO LARRY & KAREN JT	79 BURROUGHS PL NE	CALGARY	AB	T1Y 6K5
PROCELL ROBERT PATRICK & PAMELA SUE TRUST 2-9-2018	14766 E 52ND ST	YUMA	AZ	85367
QUINTERO FERNANDO L & MARIA F	10141 E 39TH PL	YUMA	AZ	85365
QUINTERO TIMOTHY & SHANA CPWROS	10143 E 39TH ST	YUMA	AZ	85365
R AND R RENTAL PROPERTIES DE LLC	3426 HEATHERWOOD DR	EL CAJON	CA	92019
RAMIREZ ARAN D	10119 E 39TH WY	YUMA	AZ	85366
RICHARDS WILLIAM JR & KYLEE SIERRAH	3848 S AVE 10E	YUMA	AZ	85365
RICO TRENT & DARIAN	9411 E WAGON WHEEL DR	YUMA	AZ	85365
RIES FAMILY TRUST 10-16-2023	3821 S BRIGHTON LN	SPOKANE	WA	99223
RJN LIVING TRUST JUNE 1, 2022	102 E MAIN ST	EL CENTRO	CA	92243
ROMERO JOSE A	3813 S SALIDA DEL SOL AVE	YUMA	AZ	85365
ROSALES MARIA	10144 E 39TH LN	YUMA	AZ	85365
ROSON REAL ESTATE & INVESTMENTS AZ LLC	2851 S AVE B SUITE 18	YUMA	AZ	85364
RUBY TRUST	10143 E 39TH WAY	YUMA	AZ	85365
SALISBURY CHARLES B & DEBRA D	PO BOX 405	EL SINORE	UT	84724
SEGOVIA MARTIN	PO BOX 2980	SOMERTON	AZ	85350

SHERMAN DAVID K & TAMMY S JT	10115 E 38TH LANE	YUMA	AZ	85365
SILVA ADRIAN & ANNETTE	10118 E 39TH WAY	YUMA	AZ	85365
SIMS BEVERLY	10114 E 36TH PL	YUMA	AZ	85365
SITZMANN TYFFANY NIDEY & PAUL ROMAN	10143 E 38TH PL	YUMA	AZ	85365
SKIPPING ROBERT J & RAYLENE JT	9702 E 38TH PL	YUMA	AZ	85365
SLATER PAUL & JENNY K CPWROS	3587 S SALIDA DEL SOL AVE	YUMA	AZ	85365
SMITH JASON N	10134 E 36TH PLACE	YUMA	AZ	85365
SOTO ALAN R & BETH A MONTES CPWROS	10140 E 39TH ST	YUMA	AZ	85365
SP TRUST 4-5-2021	14303 E 51ST ST	YUMA	AZ	85367
SP TRUST 4-5-2021	14303 E 51ST ST	YUMA	AZ	85367
ST CLAIR SAMUEL DOUGLAS & JUSTINE AUTUMN	10125 E 37TH PL	YUMA	AZ	85365
STAMATIS LUKE MILTON KING & KATIE ANNE	10117 E 39TH PL	YUMA	AZ	85365
STANLEY SIEGLINDE R	3873 S SALIDA DEL SOL AVE	YUMA	AZ	85365
STATE OF ARIZONA	1110 W WASHINGTON ST	PHOENIX	AZ	85007
STATE OF ARIZONA	1110 W WASHINGTON ST	PHOENIX	AZ	85007
STATZER WILLIAM H & CONNIE G JT	3683 S SALIDA DEL SOL AVE	YUMA	AZ	85365
STEELE LIVING TRUST 2-2-2020	10151 E 38TH LN	YUMA	AZ	85365
THOMAS GREGORY L & SAMRIENG	10150 E 38TH LN	YUMA	AZ	85365
TOBIAS ALFONSO JR & GLORIA JT	9735 E 36TH PL	YUMA	AZ	85365
TOLAN VICKIE LYNN	10144 E 36TH PL	YUMA	AZ	85365
TORRES EDUARDO	10116 E 39TH ST	YUMA	AZ	85365
TRIPLE A CONSTRUCTION LLC	4600 E PURPLE MOUNTAIN ST	YUMA	AZ	85365
URIARTE HECTOR J & ROSA	11268 S BUTLER AVE	YUMA	AZ	85365
VALENZUELA LIZBETH	10143 E 37TH ST	YUMA	AZ	85365
VALLE RODRIGO JR	9737 E 36TH LN	YUMA	AZ	85365
VAN MATRE CHAD LEE	10141 E 35TH PL	YUMA	AZ	85367
VANDERPUTTEN MICHAEL ANTHONY	9738 E 37TH ST	YUMA	AZ	85365
VILLA BEVERLY A	9697 E 37TH ST	YUMA	AZ	85365
VILLASENOR FERNANDO C JR	10114 E 37TH PL	YUMA	AZ	85365
WALLACE BRUCE H & SUSAN J TRUST 12-8-2005	13377 S AVENUE 4 1/4 E	YUMA	AZ	85365
WAMMACK JENNIFER L	10131 E 35TH PL	YUMA	AZ	85365
WEINRICH TYLER J	10112 E 36TH ST	YUMA	AZ	85365
WEISS ROBERT HAROLD & FREIDA TRUST 5-19-1992	PO BOX 26209	YUMA	AZ	85367
WEISS ROBERT HAROLD & FREIDA TRUST 5-19-1992	PO BOX 26209	YUMA	AZ	85367
WEISS ROBERT HAROLD & FREIDA TRUST 5-19-1992	PO BOX 26209	YUMA	AZ	85367
WEISS ROBERT HAROLD & FREIDA TRUST 5-19-1992	PO BOX 26209	YUMA	AZ	85367
WESTWIND R V & GOLF RESORT AZ LLC	9797 E 32ND ST	YUMA	AZ	85365
WHEELER MATTHEW RICHARD & JACKELYN BAILEN JT	9744 E 38TH PL	YUMA	AZ	85365
WHEELER WILLIAM J	9696 E 36TH ST	YUMA	AZ	85365
WHITE NICOLE E	11810 S AVENUE 10 E	YUMA	AZ	85365
WHITEHEAD TIMOTHY EDWARD	10130 E 39TH WAY	YUMA	AZ	85365
WINGER CHRISTOPHER	10135 E 37TH PL	YUMA	AZ	85365
YOUNESS JOHN D & RACHEL CPWROS	3565 S SALIDA DEL SOL AVE	YUMA	AZ	85365
YUMA COUNTY OF	198 S MAIN ST	YUMA	AZ	85364
YUMA COUNTY OF	198 S MAIN ST	YUMA	AZ	85364
YUMA COUNTY OF	198 S MAIN ST	YUMA	AZ	85364
ZIELKE SIDNEY C & BARBARA A	617 E LAUREL RD	BELLINGHAM	WA	98226
ZIELKE SIDNEY C & BARBARA A CPWROS	617 E LAUREL RD	BELLINGHAM	WA	98226
ZUBIETA PETER A & KAREN JT	2495 LARK LN	EMMETT	ID	83617

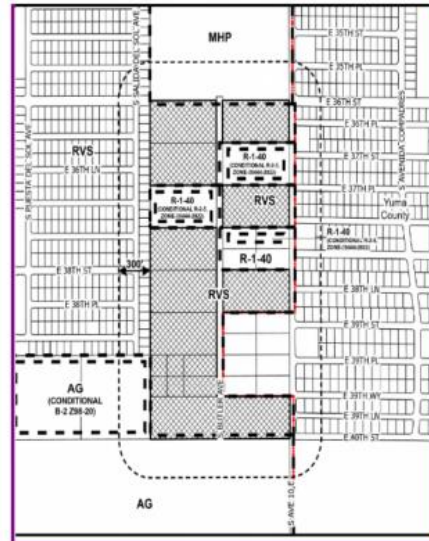
ATTACHMENT G NEIGHBOR POSTCARD

This is a request by Colvin Engineering, Inc., on behalf of Hardknocks AZ LTD Partnership, for approval of the preliminary plat for the Butler Estates Units 1, 3, and 4 Subdivision. This subdivision contains approximately 53.93 acres and is proposed to be divided into 200 residential lots, ranging in size from approximately 6,022 sq. ft. to 9,069 sq. ft., for the properties located at the southwest corner of E. 36th Street and S. Avenue 10E, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
SUBD-42965-2024**

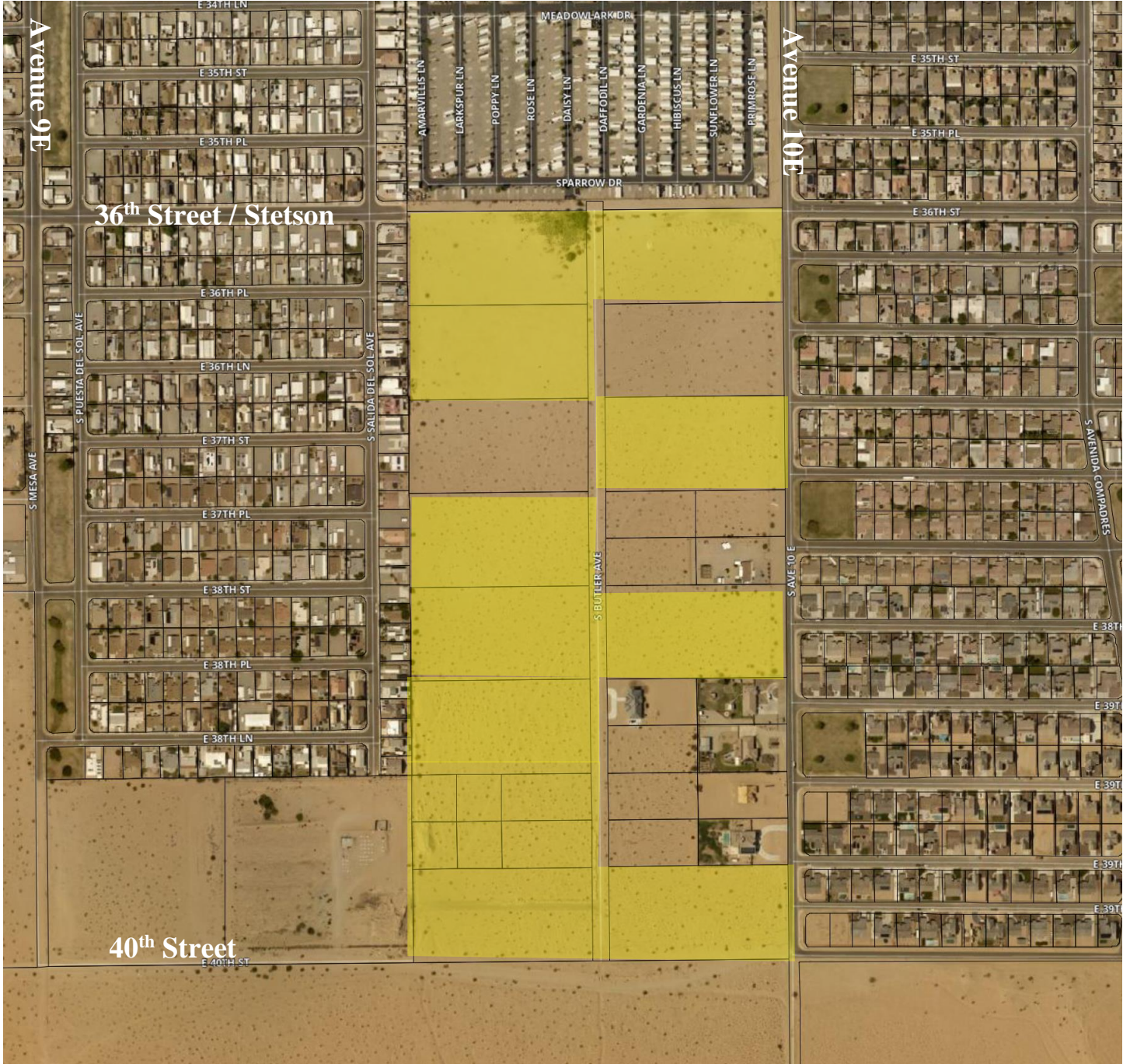
**NEIGHBORHOOD MEETING
08/6/2024 @ 5PM WEST SIDE OF
AVENUE 10E & 37TH PLACE**

**PUBLIC HEARING
9/9/2024 @ 4:30 PM
City Hall Council Chambers
One City Plaza, Yuma, AZ**



Because you are a neighbor within 300' of the SWC of E.36th Street and S. Avenue 10E, Yuma, AZ., you are invited to attend the meetings to voice your comments. If you have questions or wish to submit written comments, please contact Robert Blevins by phone at (928) 373-5189 or by email at Robert.Blevins@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO



FINAL PLAT

BUTLER ESTATES UNIT 1

A RESUBDIVISION OF LOTS 13-15, 17, 19 OF THE
RANCHO EL TOREO SUBDIVISION
AS RECORDED IN BOOK 4, PAGE 100 YUMA COUNTY RECORDS
ALL IN SECTION 12, T.9S., R.22W., YUMA, ARIZONA

PREPARED BY: COLVIN ENGINEERING, INC.
6105 E. ALYSSA LANE
YUMA, ARIZONA 85365
PH. 928-580-1061

DEDICATION

KNOW ALL MEN BY THESE PRESENTS:
THAT HARDKNOCKS AZ LTD PARTNERSHIP, HAS THIS _____ DAY OF _____, 2025, CAUSED A PORTION OF SECTION 12, T.9S., R.22W., G.&S.R.B.&M., YUMA COUNTY, ARIZONA, AS PLATTED HEREON TO BE SUBDIVIDED INTO LOTS, STREETS AND TRACT UNDER THE NAME OF "BUTLER ESTATES UNIT 1" AND HEREBY DECLARES THAT THE ACCOMPANYING PLAT SETS FORTH THE LOCATION AND GIVES THE DIMENSIONS OF THE LOTS AND STREETS, CONSTITUTING SAID "BUTLER ESTATES UNIT 1" AND THAT THE LOTS SHALL BE KNOWN BY THE NUMBER, THE STREETS BY THE NAME, AND THE TRACTS BY THE LETTER, GIVEN EACH RESPECTIVELY ON SAID PLAT, AND THAT HARDKNOCKS AZ LTD PARTNERSHIP, HEREBY DEDICATES TO THE CITY OF YUMA FOR ITS USE AND BENEFIT THE STREETS SHOWN HEREON, AND THE OTHER EASEMENTS ARE DEDICATED TO THE USE SHOWN, DEFINED ON SAID PLAT AND AS SET FORTH IN THE DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED CONCURRENTLY HEREWITH. TRACTS A AND B ARE DEDICATED TO THE CITY OF YUMA FOR USE AS DRAINAGE AND STORM WATER RETENTION BASINS.

IN WITNESS WHEREOF, HARDKNOCKS AZ LTD PARTNERSHIP, HAS CAUSED ITS NAME TO BE SIGNED AND ITS SEAL TO BE AFFIXED AS ATTESTED BY THE SIGNATURE OF ITS OFFICER, THEREUNTO DULY AUTHORIZED.

HARDKNOCKS AZ LTD PARTNERSHIP

XXX
XXX

ACKNOWLEDGMENT

STATE OF ARIZONA)
COUNTY OF YUMA) ss
ON THIS _____ DAY OF _____, 2025 BEFORE ME, THE UNDERSIGNED OFFICER, PERSONALLY APPEARED XXX WHO ACKNOWLEDGED XXX TO BE XXX OF HARDKNOCKS AZ LTD PARTNERSHIP AND THAT XXX AS SUCH OFFICER, BEING AUTHORIZED TO DO SO, EXECUTED THE FOREGOING INSTRUMENTS FOR THE PURPOSES THEREIN CONTAINED BY SIGNING THE NAME OF THE XXX BY XXX, AS SUCH OFFICER, IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND OFFICIAL SEAL.

MY COMMISSION EXPIRES _____

NOTARY PUBLIC

APPROVALS

CITY DEPARTMENT OF YUMA COMMUNITY DEVELOPMENT

CITY OF YUMA ENGINEER

STATE OF ARIZONA) ss
COUNTY OF YUMA)
THIS SUBDIVISION, AS SHOWN HEREON, HAS BEEN APPROVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF YUMA ON THE _____ DAY OF _____, 2025.

MAYOR

ATTEST:

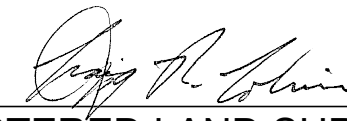
CITY OF YUMA CLERK

RESTRICTIVE COVENANTS

HAVE BEEN RECORDED CONCURRENTLY AND ARE A PART OF THIS PLAT.

LAND SURVEYOR CERTIFICATE

I HEREBY CERTIFY THAT I AM A LAND SURVEYOR LISTED ON THE ROSTER OF ACTIVE REGISTRANTS BY THE STATE BOARD OF TECHNICAL REGISTRATION OF ARIZONA AND THAT THIS MAP CONSISTING OF ONE (1) SHEET CORRECTLY REPRESENTS A SURVEY MADE UNDER MY SUPERVISION DURING FEBRUARY 2024; THAT ALL MONUMENTS SHOWN HEREON ACTUALLY EXIST AND THEIR POSITIONS ARE CORRECTLY SHOWN, OR WILL BE IN PLACE WITHIN ONE YEAR FROM RECORDATION OF THIS MAP. THE MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THE SURVEY IS TRUE AND COMPLETE AS SHOWN.


REGISTERED LAND SURVEYOR NO. 25069
CRAIG R. COLVIN

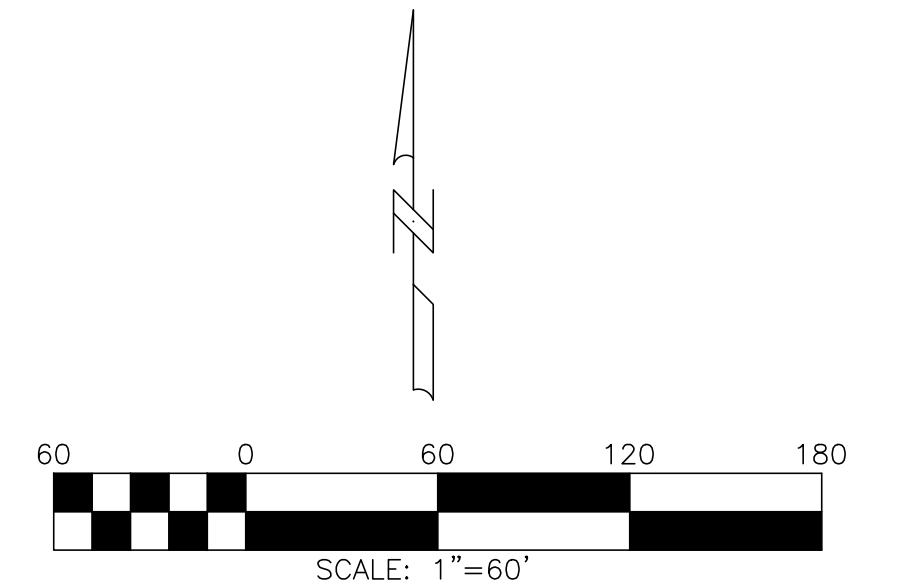


CURVE TABLE				
CURVE #	LENGTH	RADIUS	DELTA	TANGENT
C1	282.42'	57.00'	283°53'13"	44.62'
C2	14.51'	16.00'	51°56'37"	7.79'
C3	45.86'	57.00'	46°05'39"	24.25'
C4	55.32'	57.00'	55°36'40"	30.06'
C5	40.03'	57.00'	40°14'17"	20.88'
C6	39.97'	57.00'	40°10'37"	20.85'
C7	55.52'	57.00'	55°48'17"	30.18'
C8	45.72'	57.00'	45°57'43"	24.17'
C9	50.74'	57.00'	50°59'54"	27.19'
C10	85.46'	57.00'	85°54'29"	53.07'
C11	10.01'	57.00'	10°03'53"	5.02'
C12	85.34'	57.00'	85°47'05"	52.95'
C13	50.87'	57.00'	51°07'51"	27.27'
C14	50.60'	57.00'	50°51'32"	27.10'
C15	80.61'	57.00'	81°01'58"	48.71'
C16	10.00'	57.00'	10°03'07"	5.01'
C17	40.00'	57.00'	40°12'27"	20.86'
C18	50.47'	57.00'	50°44'09"	27.03'
C19	50.74'	57.00'	51°00'00"	27.19'
C20	45.59'	57.00'	45°49'22"	24.09'
C21	55.60'	57.00'	55°53'29"	30.24'
C22	40.02'	57.00'	40°13'46"	20.88'
C23	39.98'	57.00'	40°11'09"	20.85'
C24	55.80'	57.00'	56°05'05"	30.36'
C25	45.44'	57.00'	45°40'22"	24.00'
C26	50.30'	57.00'	50°33'46"	26.92'
C27	50.91'	57.00'	51°10'23"	27.29'
C28	40.00'	57.00'	40°12'27"	20.86'
C29	40.00'	57.00'	40°12'27"	20.86'
C30	50.75'	57.00'	51°00'52"	27.20'
C31	50.46'	57.00'	50°43'17"	27.02'

LINE TABLE		
NUMBER	BEARING	DISTANCE
L1	N49°10'34"E	19.22'
L2	N89°24'52"E	12.36'
L3	N44°26'51"E	35.38'
L4	S45°33'09"E	21.20'
L5	N44°26'51"E	21.23'
L6	S45°33'09"E	35.33'
L7	N89°24'52"E	6.42'
L8	N89°28'50"E	5.34'
L9	N89°28'50"E	5.35'
L10	N89°24'52"E	6.37'
L11	N89°24'52"E	12.43'
L12	S50°24'31"E	19.00'
L13	N89°24'36"E	6.56'
L14	S80°32'17"E	5.94'
L15	N49°12'09"E	24.26'
L16	N89°24'36"E	6.49'
L17	N89°24'20"E	12.63'
L18	N49°10'34"E	18.85'
L19	S50°24'31"E	18.64'
L20	N89°24'20"E	12.71'
L21	N89°24'04"E	6.85'
L22	S50°23'28"E	23.70'
L23	N49°11'37"E	23.89'
L24	N89°24'04"E	6.77'
L25	N44°25'43"E	35.37'

FINAL PLAT BUTLER ESTATES UNIT 1

A RESUBDIVISION OF LOTS 13-15, 17, 19 OF THE
RANCHO EL TOREO SUBDIVISION
AS RECORDED IN BOOK 4, PAGE 100
YUMA COUNTY RECORDS
ALL IN SECTION 12, T.9S., R.22W.,
G.&S.R.B.&M., YUMA, ARIZONA
AREA=24.43 ACRES



F.E.M.A. FLOOD DESIGNATION

AS INDICATED ON THE FIRM COMMUNITY PANEL NO. 04027C1545E, THE ENTIRE SITE IS DESIGNATED AS NO SPECIAL FLOOD HAZARD AREAS.

BASIS OF BEARINGS

THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 10, TOWNSHIP 9 SOUTH, RANGE 22 WEST, GILA AND SALT RIVER BASE AND MERIDIAN NAMED N 89°15'10" E

ZONING

R-2

MAP NOTES

- FOUND CITY OF YUMA BOUNDARY MONUMENT NO. 4-015
 - FD. CITY OF YUMA STD. NO. 4-030
 - SET CITY OF YUMA BOUNDARY MONUMENT NO. 4-015, CORNER THIS SUBDIVISION
 - SET CITY OF YUMA STANDARD STREET MONUMENT NO. 4-030 STAMPED L.S. 25069
 - SET 1/2" REBAR CAPPED 25069 AT ALL LOT CORNERS
 - 8' PUBLIC UTILITY EASEMENT (TYPICAL)
- EASEMENT
-
- EASEMENT
-
- (8,584) POST OFFICE CLUSTER BOX LOCATIONS
 - BC GROSS LOT AREA IN SQUARE FEET
 - HH BRASS CAP
 - B.O.B. HAND HOLE
 - B.S.L. BASIS OF BEARINGS
 - S.V.T. BUILDING SETBACK LINE
 - S.V.T. SIGHT VISIBILITY TRIANGLE
 - N.A.E. NON-ACCESS EASEMENT

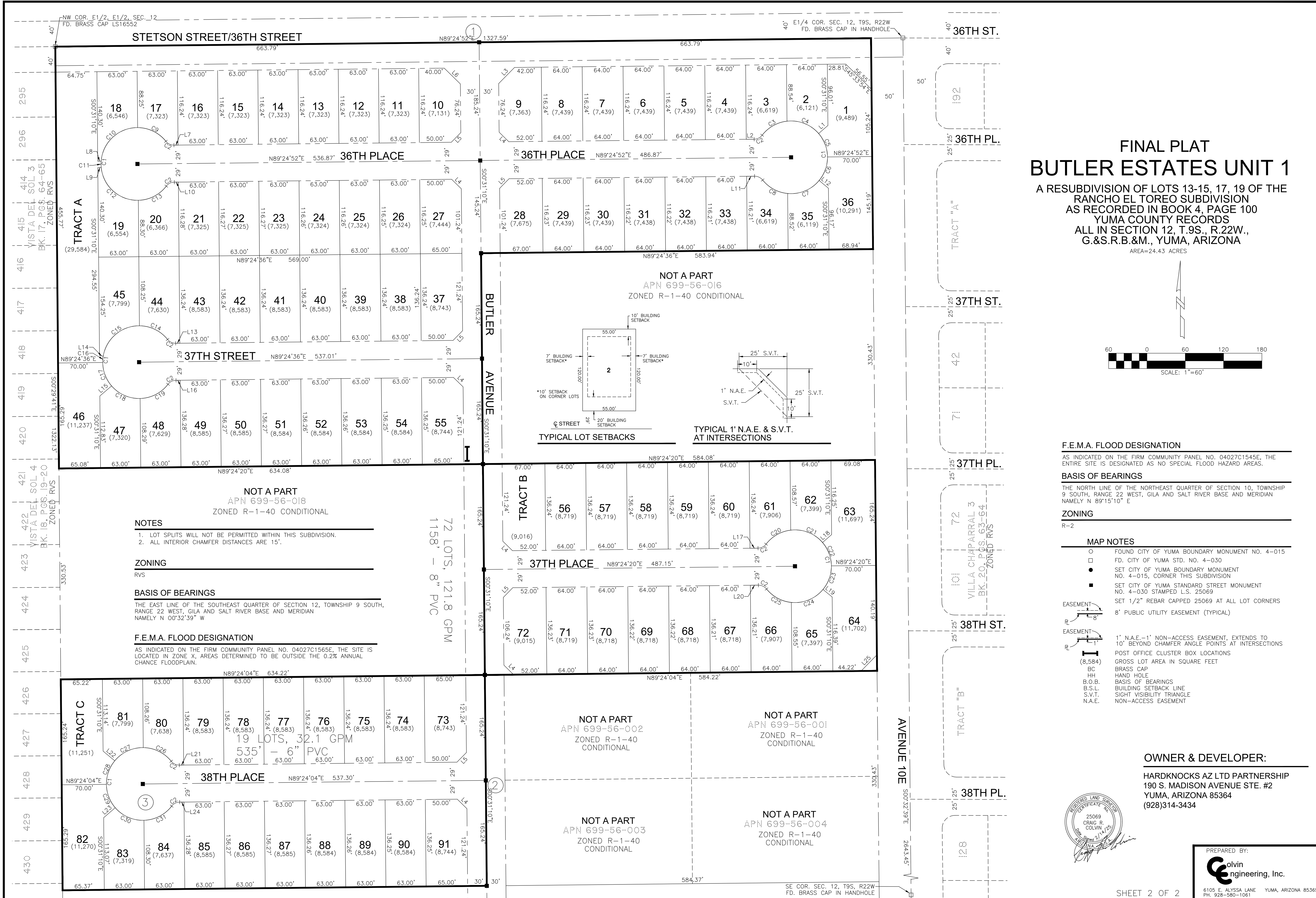
OWNER & DEVELOPER:

HARDKNOCKS AZ LTD PARTNERSHIP
190 S. MADISON AVENUE STE. #2
YUMA, ARIZONA 85364
(928)314-3434



PREPARED BY:
Colvin Engineering, Inc.

6105 E. ALYSSA LANE YUMA, ARIZONA 85365
PH. 928-580-1061



STETSON STREET/36TH STREET

36TH ST.

36TH PL.

37TH ST.

37TH PL.

38TH ST.

38TH PL.

BUTLER AVENUE

AVENUE 10E

NOT A PART
APN 699-56-018
ZONED R-1-40 CONDITIONAL

NOT A PART
APN 699-56-016
ZONED R-1-40 CONDITIONAL

NOTES

1. LOT SPLITS WILL NOT BE PERMITTED WITHIN THIS SUBDIVISION.
2. ALL INTERIOR CHAMFER DISTANCES ARE 15'.

ZONING

RVS

BASIS OF BEARINGS

THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 9 SOUTH, RANGE 22 WEST, GILA AND SALT RIVER BASE AND MERIDIAN NAMED N 00°32'39" W

F.E.M.A. FLOOD DESIGNATION

AS INDICATED ON THE FIRM COMMUNITY PANEL NO. 04027C1565E, THE SITE IS LOCATED IN ZONE X, AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.

72 LOTS, 121.8 GPM
1158' - 8" PVC

NOT A PART
APN 699-56-002
ZONED R-1-40
CONDITIONAL

NOT A PART
APN 699-56-001
ZONED R-1-40
CONDITIONAL

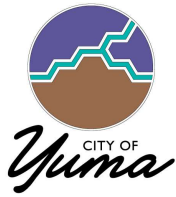
NOT A PART
APN 699-56-003
ZONED R-1-40
CONDITIONAL

NOT A PART
APN 699-56-004
ZONED R-1-40
CONDITIONAL

19 LOTS, 32.1 GPM
535' - 6" PVC

SE COR. SEC. 12, T9S, R22W
FD. BRASS CAP IN HANDHOLE

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City of Yuma

City Council Report

File #: MC 2025-047

Agenda Date: 4/2/2025

Agenda #: 6.

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

TITLE:
Final Plat: Butler Estates Unit No. 2 Subdivision

SUMMARY RECOMMENDATION:

Approve the final plat for the Butler Estates Unit No. 2 Subdivision, located at the corner of E. 37th Street and S. Avenue 10E. (SUBD-43779-2025) (Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

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

REPORT:

The subject property and the adjacent properties to the north and south were part of Ranchos el Toreo, a residential subdivision of 28 lots of approximately 4.8 acres in size. This Yuma County subdivision was platted and recorded in 1965. The property was annexed into the City of Yuma with ANEX-7505-2014 (03/18/2015), and this portion now known as Unit No. 2 was rezoned to Medium Density Single-Family Residential District (R-2-5) with ZONE-39444-2022 (08/17/2022).

This final plat is only for Unit No. 2. This proposed Unit No. 2 will align with Unit 1, 3, & 4 (which are under separate ownership). The developers of Unit 1, 3, and 4 are working with the owner of Unit No. 2 to ensure a seamless, cohesive residential neighborhood. There will be deed restrictions on all lots requiring site-built residences only.

With this phase, the applicant proposes to construct 55 single-family residences on approximately 12.59 acres. The development is planned for single-family residential lots ranging in size from 5,442 square feet to 11,210 square feet, meeting the minimum lot size requirements for the R-2-5 District.

As specified in the Yuma City Code §154-05.04, the following are some of the development standards required of a development in the R-2-5 District:

1. The maximum lot coverage in the R-2-5 District shall not exceed 55% of the lot area;
2. A minimum front yard setback of 15 feet;
3. A minimum side yard setback of 5 feet;
4. A minimum rear yard setback of 10 feet;
5. A maximum building height of 40 feet; and

6. A requirement for each lot to provide 2 off-street parking spaces, appropriately located.

Approval of the final plat for the Butler Estates Unit No. 2 Subdivision shall be subject to the following conditions:

1. The conditions are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. The rights-of-way must be dedicated free and clear to the City, and all easements in the right-of-way must be vacated unless the easement is specifically presented to the City, and the City specifically approves its acceptance. Approval of the plat is not approval of an easement in the right-of-way.
4. Any easements on other property in the subdivision must be vacated to the extent that they would require a utility, licensed cable operator, or other licensed or franchised communications system (collectively, the "utilities") to:
 - a. pay to cross the easement to reach any structure on the lot;
 - b. prevent the utilities from providing service to any structure on a lot; or
 - c. effectively prevent any entity authorized to place facilities in a utility easement from using the easements or accessing potential customers crossing the easement.
5. Approval of the plat does not authorize the maintenance or installation of any facility in the rights of way, whether or not contemplated by the plat, without a license, franchise, or similar authorization issued by the City.
6. A time frame of build-out for the subdivision shall be submitted to the Yuma School District to enable the districts to adequately plan for future school facilities.
7. An 8 ½" X 11" paper copy of this subdivision plat, showing the location of the group mailboxes and signed as APPROVED by the local Yuma Postmaster, shall be submitted to the City within sixty (60) calendar days of the effective date of approval of the subdivision final plat and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the approval of the plat is null and void.
8. The Owner/Developer shall be required to establish a Municipal Improvement District (MID) for the maintenance of required subdivision landscaping prior to the recording of the final plat.
9. After the final plat has been approved by City Council, the applicant/developer shall have two years to record the approved plat, or the final plat approval shall be null and void.

The preliminary plat for the Butler Estates Subdivision (this portion only- now known as Unit No. 2) was approved by the Planning and Zoning Commission on February 27, 2023 (SUBD-40583-2022).

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

“Robert Blevins, Principal Planner, summarized the staff report and recommended APPROVAL, with the

modified conditions identified in the provided yellow sheet.

APPLICANT/APPLICANT’S REPRESENTATIVE

“Jonathan Klein, Core Engineering Group, 200 E. 16th Street, Yuma, AZ, thanked staff for working on the conditions with the applicant. Klein mentioned that they were still not in agreement with condition number 6 because of the cost.

“Chris Hamel- Chairman, Planning and Zoning Commission, asked Klein if it was correct that the applicant was in agreement with the conditions with the exception of condition 6. Klein confirmed and provided language to modify condition 6.

“Joshua Scott - Planning and Zoning Commissioner, asked why condition 6 currently required a full width road.

“David Wostenberg, Director of Engineering said that a full width roadway would allow for bike lanes and a two way road in the future. Scott asked if it was normal to require the construction of a full width roadway. Wostenberg replied that typically a half width roadway is required.

QUESTIONS FOR STAFF

“Chairman Hamel asked for a brief explanation of the proposed changes being requested by the applicant. Wostenberg stated that proposed modification to condition 6 would change the roadway requirement from a full width roadway to a half width roadway along Butler Avenue.

PUBLIC COMMENT

None

MOTION

“Motion by Scott, second by Lorraine Arney- Planning and Zoning Commissioner to APPROVE SUBD-40583-2022 as presented, including the agreed upon modifications to conditions 6, 7, and 13. (These modified conditions can be located on Attachment A of the P&Z Staff Report)

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

Planning Commission Preliminary Plat Staff Report - Attached.

The City Council’s approval of this motion accepts the final plat of the Butler Estates Unit No. 2 Subdivision as submitted, including the conditions of approval written above.

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NONE

ADDITIONAL INFORMATION:

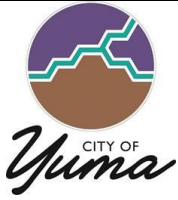
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

NONE

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

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

Acting City Administrator: John D. Simonton	Date: 03/25/2025
Reviewed by City Attorney: Richard W. Files	Date: 03/23/2025



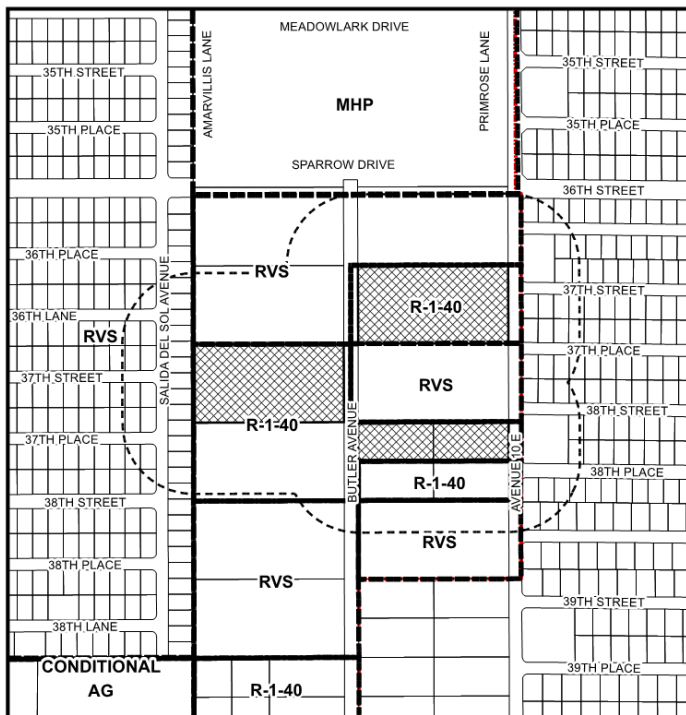
**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – PRELIMINARY SUBDIVISION
CASE PLANNER: BOB BLEVINS**

Hearing Date: February 27, 2023 **Case Number:** SUBD-40583-2022

Project Description/Location: This is a request by Core Engineering Group, PLLC, on behalf of Butler Estates, LLC, for approval of the preliminary plat for the Butler Estates Subdivision. This subdivision contains approximately 12.59 acres and is proposed to be divided into 52 residential lots, ranging in size from approximately 5,326 sq. ft. to 10,952 sq. ft., for the property located at the northwest corner of E. 37th Street and S. Avenue 10E, Yuma, AZ.

	Existing Zoning	Existing Land Use	Designated Land Use
Site	Conditional Medium Density Residential (R-2-5)	Vacant	Medium Density Residential
North	Recreational Vehicle Subdivision (RVS)	Vacant	Medium Density Residential
South	Recreational Vehicle Subdivision (RVS) / Low Density Residential (R-1-40)	Vacant / Single Family Residence	Medium Density Residential
East	Recreational Vehicle Subdivision (RVS) / County Recreational Vehicle Subdivision (RVS)	Vacant / Via Chaparral Subdivision Residences	Medium Density Residential
West	Recreational Vehicle Subdivision (RVS)	Vista Del Sol Subdivision Residences	Medium Density Residential

Location Map



Prior site actions: Annexation: ANEX-7505-2014 (03/18/2015); Rezone: ZONE-39444-2022 (R-1-40 to R-2-5).

Staff Recommendation: Staff recommends **APPROVAL** of the preliminary plat for the Butler Estates Subdivision, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Preliminary Plat SUBD-40583-2022 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the preliminary plat, the Planning and Zoning Commission is acknowledging the street and lot layout of Butler Estates Subdivision which includes 52 lots ranging in size from 5,326 square feet to 10,952 square feet for the property located at the northwest corner of E. 37th Street and S. Avenue 10E, Yuma, AZ , subject to the conditions of the rezoning and the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma Subdivision Code and General Plan and is compatible with surrounding land uses.

Staff Analysis: The applicant states:

“The owner is proposing to develop lots 16, 18, and 20 of Ranchos El Toreo Subdivision into R-2-5 Medium Density Single Family residential subdivision. This request represents the 12.596 acres of the lots. The Preliminary Plat proposes the subdivision of the four existing parcels into 52 new parcels conforming with the City of Yuma Zoning Ordinance for an R-2-5 subdivision and all applicable City of Yuma and Yuma County Codes.

“Per the Conditions of Approval for Rezoning Case 02022-032 Avenue 10 E is proposed to be constructed in accordance with Yuma County Standard 2-020 with a 5-foot sidewalk where the properties have frontage along Avenue 10 E.

“Based on the preliminary development meeting, 37th Street and 37th Place are designed as local 2-lane streets, and 38th Street is developed as a hybrid half-width road which will accommodate 2-way traffic and a 4-foot sidewalk is provided within the constraints of the standard 29' half-width right-of-way for a local 2-lane street. Butler Avenue is designed as a 30' wide fire department access road.

“Far West Water and Sewer will provide sewer service and the City of Yuma will provide water service to the lots from connection points near the intersection of Butler Avenue and 36th Street alignment to the North.”

The applicant is proposing a subdivision with most lots typically between 6,949 to 7,150 sq. ft. in size. The R-2-5 Zoning District allows for site-built homes; with no manufactured homes or recreational vehicles as dwellings permitted. R-2-5 zoning allows lots of 5,000 sq. ft. minimum; therefore this preliminary plat supersedes the densities in the Medium Density Land Use Designation in the General Plan.

To the east is Villa Chaparral Subdivision, zoned RVS in the County, which has site-built homes on lots typically of 6,500 square feet. To the north is an RV resort zoned Manufactured Home Park (MHP) in the City. To the west is Vista del Sol Subdivision, zoned RVS in the City with a mixture of dwelling types. To the south of 40th Street is vacant desert in the City zoned Agriculture (AG).

City Engineering has the following comment:

A payback agreement can be obtained for the portions of the water line being extended outside of the subdivision areas. This payback needs to be requested prior to the start of construction in written format with an accurate construction estimate, followed by certified water line construction costs afterward.

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

Yes.

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

Yes.

<u>Standard</u>	<u>Subdivision</u>						<u>Conforms</u>					
Lot Size	Minimum:	5,326.56 S.F.			Maximum:	10,952.89 S.F.			Yes	X	No	
Lot Depth	Minimum:	58.57 FT.			Maximum:	185.62 FT.			Yes	X	No	
Lot Width/Frontage	Minimum:	50 FT.			Maximum:	145.75 FT.			Yes	X	No	
Setbacks	Front:	15-20 FT.		Rear:	10 FT.		Side:	5 FT. & 9 FT.				
District Size	12.59	Acres						Yes	X	No		
Density	4.13	Dwelling units per acre						Yes		No	X	
Issues: R-2-5 zoning is in conformance with the Medium Density Land Use Designation.												

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

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

Yes.

Land Use Element:										
Land Use Designation:			Medium Density Residential							
Issues:			The recently-approved R-2-5 zoning densities take precedence over General Plan densities.							
Historic District:	Brinley Avenue		Century Heights		Main Street		None	X		
Historic Buildings on Site:		Yes		No	X					
Transportation Element:										
FACILITY PLANS										
TRANSPORTATION MASTER PLAN		Planned	Existing	Gateway	Scenic	Hazard	Truck			
Avenue 10E- 4 Lane Minor Arterial		50 FT H/W ROW	50 FT H/W ROW							
Bicycle Facilities Master Plan		Avenue 10E- Proposed Bike Lane.								
YCAT Transit System		S. Frontage Road- Gold Route.								
Issues:		None								
Parks, Recreation and Open Space Element:										
Parks and Recreation Facility Plan										
Neighborhood Park:	Existing: Saguaro Park				Future: None					
Community Park:	Existing: None				Future: Agua Viva Urban Lake Park					
Linear Park:	Existing: None				Future: Gila Main Canal Linear Park					
Issues:		None								
Housing Element:										
Special Need Household:		N/A								
Issues:		None								
Redevelopment Element:										
Planned Redevelopment Area:		None								
Adopted Redevelopment Plan:		North End:		Carver Park:		None:		X		
Conforms:		Yes	X	No						
Conservation, Energy & Environmental Element:										
Impact on Air or Water Resources		Yes		No	X					
Renewable Energy Source		Yes		No	X					
Issues:		None								
Public Services Element:										
Population Impacts Population projection per 2016-2020 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person		<i>Single Family</i>		Population	Impact	Consumption		Generation		
		Proposed	Per Unit		Officers	GPD	AF	GPD		
		52	3.0	156	0.29	32,292	36.2	10,920		
Fire Facilities Plan:		Existing: Fire Station #5				Future: Future Fire Station #7				
Water Facility Plan:		Source:	City	X	Private	Connection		10" PVC on Stetson Street.		
Sewer Facility Plan:		Treatment:	City		Septic	Private		X	Far West Water	
Issues:		None								
Safety Element:										
Flood Plain Designation:		Zone X		Liquefaction Hazard Area:			Yes		No	X
Issues:		None								

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

Public Comments Received: None Received.

External Agency Comments: See Attachment E.

Neighborhood Meeting Comments: Previously-held at rezoning phase of project.

Proposed conditions delivered to applicant on: 02/23/23

Final staff report delivered to applicant on: 02/23/23

- Applicant agreed with all of the conditions of approval on: 02/23/23
- Applicant did not agree with the following conditions of approval: (list #'s)
- If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

Attachments

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

Prepared By: *Robert M. Blevins* **Date:** 02/23/23
 Robert M. Blevins
 Principal Planner Robert.Blevins@yumaaz.gov (928)373-5189

Approved By: *Alyssa Linville* **Date:** 02/23/2023
 Alyssa Linville,
 Director of Community Planning

**ATTACHMENT A
PRELIMINARY PLAT
CONDITIONS OF APPROVAL**

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

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

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

City Attorney Comments: (928) 373-5058:

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

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

6. ~~The Developer/Owner shall design and construct Butler Ave as a full width alternative collector street per City of Yuma construction standard 2-025 including street lights from the northern edge of the subdivision to the southern edge of the subdivision, with all utilities stubbed out under the roadway pavement. The Developer/Owner shall design and construct Butler Ave as a full width local street per City of Yuma construction standard 2-030, with the sidewalk being set 3 feet behind the curb, and to include street lights from the northern edge of the subdivision to the southern edge of the subdivision, with all utilities stubbed out under the roadway pavement. The design and construction shall include curb, gutter and sidewalk on the east side of roadway which shall be continuous from the northern project limits to the southern project limits. Along the west side of Butler Ave, the sidewalk, curb and gutter may be placed solely along the west side Butler Ave frontage. Developer/owner shall include "No Parking" signs along the east and west side of Butler Avenue in the design and construction.~~
7. ~~The Developer/Owner shall enter into a development agreement with the City of Yuma prior to the final plat recordation, for the opportunity to recover fair share Butler Avenue construction costs from the adjoining property owners, in a payback agreement modeled on the sewer payback agreements found in Article II Sewer Regulations, section 2.5 Reimbursement Agreements, that will be in effect for a period~~

~~of 15 years.~~ **The Developer/Owner shall enter into a development agreement with the City of Yuma prior to the final plat recordation, for the opportunity to recover fair share Butler Avenue construction costs from the adjoining property owners, in a payback agreement modeled on the sewer payback agreements found in Article II Sewer Regulations, section 2.5 Reimbursement Agreements, that will be in effect for a period of 20 years.**

8. The Developer/Owner shall ensure that all streets entering Avenue 10E meets the City of Yuma Standard 3-170 "Angle of Intersections".
9. The Owner shall record a raised median covenant along Ave 10E frontages.
10. The Owner shall record a 1' non-access easement along Ave 10E frontages on the Final plat, excluding the public streets, similar to that shown in City of Yuma construction standard 3-005.
11. The Developer/Owner shall extend, design and construct a minimum 8" waterline from the existing 10" water line on 36th Street, along Butler Avenue to the south edge of the proposed subdivision.
12. The Developer/Owner shall construct sewer as required by the service provider (Foothills Utilities, AKA Far West Water & Sewer).
13. ~~Confirmation and written documentation from the owner of APN: 699-56-017, that the proposed 38th Street design and layout will work for their future development will be provided by the Developer/Owner prior to Final Plat approval.~~ **Should the Final Plat layout of 38th Street require the access and/or right-of-way from the property owner of APN 699-56-017, then written documentation confirming acceptance of the layout from the property owner will be required of APN: 699-56-017, and will be provided by the Developer/Owner prior to Final Plat approval.**
14. Payment in lieu of construction may be accepted by the City of Yuma for the Avenue 10E frontage improvements required by the rezone condition # 5, if the Developer/Owner makes the request in writing to the City Engineer.

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

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

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

ATTACHMENT B PRELIMINARY PLAT MAP



ATTACHMENT C
REZONE 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. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement and Range Disclosure 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.
4. The Owner/Developer shall dedicate right-of-way for a total of 50 feet half-width on Avenue 10E.
5. The Owner/Developer shall construct the half-width of Avenue 10E per Yuma County Standard 2-220 with a five foot sidewalk.
6. 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.

**ATTACHMENT D
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** 10/04/22
- **300' Vicinity Mailing:** 10/10/22
- **34 Commenting/Reviewing Agencies noticed:** 10/13/22
- **Hearing Date:** 12/12/22
- **Comments due:** 10/24/22

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	10/18/22	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	10/11/22	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	YES				
USDA – NRCS	NR	11/08/22		X	X
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	10/11/22	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	10/12/22	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	10/12/22	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT E
AGENCY COMMENTS

Arizona Environmental Online Review Tool Report



*Arizona Game and Fish Department Mission
To conserve Arizona's diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.*

Project Name:

Preliminary Plat Butler Estates Subdivision

User Project Number:

SUBD-40583-2022

Project Description:

12.59 acres and is proposed to be divided into 52 residential lots, ranging in size from approximately 5,326 sq. ft. to 10,952 sq. ft., for the property located at the northwest corner of E. 37th Street and S. Avenue 10E, Yuma, AZ.

Project Type:

Development Within Municipalities (Urban Growth), Residential subdivision and associated infrastructure, New construction

Contact Person:

Teigan Williams

Organization:

Arizona Game and Fish Department

On Behalf Of:

YUMA

Project ID:

HGIS-17613

Disclaimer:

1. This Environmental Review is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
2. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. This review is also not intended to replace environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the Departments review of site-specific projects.
3. The Departments Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. HDMS data contains information about species occurrences that have actually been reported to the Department. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. HabiMap Arizona data, specifically Species of Greatest Conservation Need (SGCN) under our State Wildlife Action Plan (SWAP) and Species of Economic and Recreational Importance (SERI), represent potential species distribution models for the State of Arizona which are subject to ongoing change, modification and refinement. The status of a wildlife resource can change quickly, and the availability of new data will necessitate a refined assessment.

Locations Accuracy Disclaimer:



Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

Recommendations Disclaimer:

1. The Department is interested in the conservation of all fish and wildlife resources, including those species listed in this report and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
2. Recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation).
3. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project. These recommendations are preliminary in scope, designed to provide early considerations on all species of wildlife.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. Further coordination with the Department requires the submittal of this Environmental Review Report with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map). Once AGFD had received the information, please allow 30 days for completion of project reviews. Send requests to:
Project Evaluation Program, Habitat Branch
Arizona Game and Fish Department
5000 West Carefree Highway
Phoenix, Arizona 85086-5000
Phone Number: (623) 236-7600
Fax Number: (623) 236-7366
Or
PEP@azgfd.gov
6. Coordination may also be necessary under the National Environmental Policy Act (NEPA) and/or Endangered Species Act (ESA). Site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies

Preliminary Plat Butler Estates Subdivision Web Map As Submitted By User



-  Buffered Project Boundary
-  Project Boundary

Project Size (acres): 32.99
Lat/Long (DD): 32.6615 / -114.4631

Special Status Species Documented within 3 Miles of Project Vicinity

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Antilocapra americana sonoriensis</i>	Sonoran Pronghorn	LE		S		1A
<i>Chionactis annulata</i>	Resplendent Shovel-nosed Snake					1C
<i>Helianthus niveus ssp. tephrodes</i>	Algodones Sunflower	SC				
<i>Phrynosoma goodei</i>	Goode's Horned Lizard					1B
<i>Phrynosoma mcallii</i>	Flat-tailed Horned Lizard	CCA		S		1A
<i>Stephanomeria exigua ssp. exigua</i>	Small Wirelettuce			S		
<i>Triteleopsis palmeri</i>	Blue Sand Lily			S	SR	

Note: Status code definitions can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/>

No Special Areas Detected

No special areas were detected within the project vicinity.

Species of Greatest Conservation Need Predicted that Intersect with Project Footprint as Drawn, based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Aix sponsa</i>	Wood Duck					1B
<i>Ammospermophilus harrisi</i>	Harris' Antelope Squirrel					1B
<i>Athene cucularia hypugaea</i>	Western Burrowing Owl	SC	S	S		1B
<i>Calypte costae</i>	Costa's Hummingbird					1C
<i>Castor canadensis</i>	American Beaver					1B
<i>Colaptes chrysoides</i>	Gilded Flicker			S		1B
<i>Corynorhinus townsendii pallascens</i>	Pale Townsend's Big-eared Bat	SC	S	S		1B
<i>Crotaphytus nebrius</i>	Sonoran Collared Lizard					1B
<i>Euderma maculatum</i>	Spotted Bat	SC	S	S		1B
<i>Eumops perotis californicus</i>	Greater Western Bonneted Bat	SC		S		1B
<i>Haliaeetus leucocephalus</i>	Bald Eagle	SC, BGA	S	S		1A
<i>Heloderma suspectum</i>	Gila Monster					1A
<i>Lithobates yavapaiensis</i>	Lowland Leopard Frog	SC	S	S		1A
<i>Melanerpes uropygialis</i>	Gila Woodpecker					1B
<i>Melospiza lincolni</i>	Lincoln's Sparrow					1B
<i>Melospiza aberti</i>	Abert's Towhee		S			1B
<i>Myotis yumanensis</i>	Yuma Myotis	SC				1B
<i>Nyctinomops femorosaccus</i>	Pocketed Free-tailed Bat					1B
<i>Perognathus longimembris</i>	Little Pocket Mouse	No Status				1B
<i>Phrynosoma goodei</i>	Goode's Horned Lizard					1B
<i>Phrynosoma mcallii</i>	Flat-tailed Horned Lizard	CCA		S		1A
<i>Sphyrapicus nuchalis</i>	Red-naped Sapsucker					1C

Species of Greatest Conservation Need Predicted that Intersect with Project Footprint as Drawn, based on Predicted Range Models

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Toxostoma lecontei	LeConte's Thrasher			S		1B
Vireo bellii arizonae	Arizona Bell's Vireo					1B
Vulpes macrotis	Kit Fox	No Status				1B

Species of Economic and Recreation Importance Predicted that Intersect with Project Footprint as Drawn

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Callipepla gambelii	Gambel's Quail					
Phasianus colchicus	Ring-necked Pheasant					
Zenaida asiatica	White-winged Dove					
Zenaida macroura	Mourning Dove					

Project Type: Development Within Municipalities (Urban Growth), Residential subdivision and associated infrastructure, New construction

Project Type Recommendations:

Fence recommendations will be dependent upon the goals of the fence project and the wildlife species expected to be impacted by the project. General guidelines for ensuring wildlife-friendly fences include: barbless wire on the top and bottom with the maximum fence height 42", minimum height for bottom 16". Modifications to this design may be considered for fencing anticipated to be routinely encountered by elk, bighorn sheep or pronghorn (e.g., Pronghorn fencing would require 18" minimum height on the bottom). Please refer to the Department's Fencing Guidelines located on Wildlife Friendly Guidelines page, which is part of the Wildlife Planning button at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife. Guidelines for many of these can be found at: <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

Consider impacts of outdoor lighting on wildlife and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use. Use only the minimum amount of light needed for safety. Narrow spectrum bulbs should be used as often as possible to lower the range of species affected by lighting. All lighting should be shielded, canted, or cut to ensure that light reaches only areas needing illumination.

Minimize the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects and pathogens. Precautions should be taken to wash and/or decontaminate all equipment utilized in the project activities before entering and leaving the site. See the Arizona Department of Agriculture website for a list of prohibited and restricted noxious weeds at <https://www.invasivespeciesinfo.gov/unitedstates/az.shtml> and the Arizona Native Plant Society <https://aznps.com/invas> for recommendations on how to control. To view a list of documented invasive species or to report invasive species in or near your project area visit iMapInvasives - a national cloud-based application for tracking and managing invasive species at <https://imap.natureserve.org/imap/services/page/map.html>.

- To build a list: zoom to your area of interest, use the identify/measure tool to draw a polygon around your area of interest, and select "See What's Here" for a list of reported species. To export the list, you must have an account and be logged in. You can then use the export tool to draw a boundary and export the records in a csv file.

The construction or maintenance of water developments should include: incorporation of aspects of the natural environment and the visual resources, maintaining the water for a variety of species, water surface area (e.g., bats require a greater area due to in-flight drinking), accessibility, year-round availability, minimizing potential for water quality problems, frequency of flushing, shading of natural features, regular clean-up of debris, escape ramps, minimizing obstacles, and minimizing accumulation of silt and mud.

Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (include spawning seasons), and to reduce spread of exotic invasive species. We recommend early direct coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

The Department recommends that wildlife surveys are conducted to determine if noise-sensitive species occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

Based on the project type entered, coordination with State Historic Preservation Office may be required (<https://azstateparks.com/>).

Trenches should be covered or back-filled as soon as possible. Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herpetofauna (snakes, lizards, tortoise) from entering ditches.

Communities can actively support the sustainability and mobility of wildlife by incorporating wildlife planning into their regional/comprehensive plans, their regional transportation plans, and their open space/conservation land system programs. An effective approach to wildlife planning begins with the identification of the wildlife resources in need of protection, an assessment of important habitat blocks and connective corridors, and the incorporation of these critical wildlife components into the community plans and programs. Community planners should identify open spaces and habitat blocks that can be maintained in their area, and the necessary connections between those blocks to be preserved or protected. Community planners should also work with State and local transportation planning entities, and planners from other communities, to foster coordination and cooperation in developing compatible development plans to ensure wildlife habitat connectivity. The Department's guidelines for incorporating wildlife considerations into community planning and developments can be found on the Wildlife Friendly Guidelines portion of the Wildlife Planning page at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

Design culverts to minimize impacts to channel geometry, or design channel geometry (low flow, overbank, floodplains) and substrates to carry expected discharge using local drainages of appropriate size as templates. Reduce/minimize barriers to allow movement of amphibians or fish (e.g., eliminate falls). Also for terrestrial wildlife, washes and stream corridors often provide important corridors for movement. Overall culvert width, height, and length should be optimized for movement of the greatest number and diversity of species expected to utilize the passage. Culvert designs should consider moisture, light, and noise, while providing clear views at both ends to maximize utilization. For many species, fencing is an important design feature that can be utilized with culverts to funnel wildlife into these areas and minimize the potential for roadway collisions. Guidelines for culvert designs to facilitate wildlife passage can be found on the home page of this application at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

Based on the project type entered, coordination with Arizona Department of Environmental Quality may be required (<http://www.azdeq.gov/>).

Based on the project type entered, coordination with Arizona Department of Water Resources may be required (<https://new.azwater.gov/>).

Based on the project type entered, coordination with U.S. Army Corps of Engineers may be required (<http://www.usace.army.mil/>)

Based on the project type entered, coordination with County Flood Control district(s) may be required.

Development plans should provide for open natural space for wildlife movement, while also minimizing the potential for wildlife-human interactions through design features. Please contact Project Evaluation Program for more information on living with urban wildlife at PEP@azgfd.gov or at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/> and <https://www.azgfd.com/Wildlife/LivingWith>.

Vegetation restoration projects (including treatments of invasive or exotic species) should have a completed site-evaluation plan (identifying environmental conditions necessary to re-establish native vegetation), a revegetation plan (species, density, method of establishment), a short and long-term monitoring plan, including adaptive management guidelines to address needs for replacement vegetation.

The Department requests further coordination to provide project/species specific recommendations. please contact Project Evaluation Program directly at PEP@azgfd.gov.

Project Location and/or Species Recommendations:

HDMS records indicate that one or more native plants listed on the **Arizona Native Plant Law and Antiquities Act** have been documented within the vicinity of your project area. Please contact:

Arizona Department of Agriculture
1688 W Adams St.
Phoenix, AZ 85007
Phone: 602.542.4373

<https://agriculture.az.gov/sites/default/files/Native%20Plant%20Rules%20-%20AZ%20Dept%20of%20Ag.pdf> starts on page 44

HDMS records indicate that one or more **Listed, Proposed, or Candidate** species or **Critical Habitat** (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species. Please contact USFWS Ecological Services Offices at <https://www.fws.gov/office/arizona-ecological-services> or:

Phoenix Main Office

9828 North 31st Avenue #C3
Phoenix, AZ 85051-2517
Phone: 602-242-0210
Fax: 602-242-2513

Tucson Sub-Office

201 N. Bonita Suite 141
Tucson, AZ 85745
Phone: 520-670-6144
Fax: 520-670-6155

Flagstaff Sub-Office

SW Forest Science Complex
2500 S. Pine Knoll Dr.
Flagstaff, AZ 86001
Phone: 928-556-2157
Fax: 928-556-2121

**ATTACHMENT F
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code
DIEZ FAMILIA AZ LLC	2851 S AVE B SUITE 18	YUMA, AZ 85364
DAVIS RONALD L & PATRICIA E REVOCABLE LIVING TRUST	PO BOX 1555	CLATSKANIE, OR 97016
MILLER JAMES P & VERONE K TRUST 3-24-2005	3657 S SALIDA DEL SOL AVE	YUMA , AZ 85365
GREEN LOLITA Y	11115 WESTONHILL DR	SAN DIEGO, CA 92126
VILLA BEVERLY A	9697 E 37TH ST	YUMA, AZ 85365
JOHNSTON LOYD D & LINDA R JT	20597 COUNTY RD 306	BUENA VISTA, CO 81211
JOHNSTON LYMAN & SHARON TRUST 4-15-1993	8297 S 4340 ROAD	WELCH, OK 74369
FUERST WILMA J	9722 E 36TH LANE	YUMA, AZ 85365
CHRISTENSEN FORREST H & BARBARA A JT	BOX 92	BARNWELL, AB TOK 080
TOBIAS ALFONSO JR & GLORIA JT	9735 E 36TH PL	YUMA, AZ 85365
HARVICK GRETCHEN E	9695 E 36TH LN	YUMA, AZ 85365
VANDERPUTTEN MICHAEL ANTHONY	9738 E 37TH ST	YUMA, AZ 85365
DESERT VIEW HOMES INC AZ CORP	8671 S FRONTAGE RD	YUMA, AZ 85365
BAILEY CARL A JR & CARRIE E	3240 FAIRLAND DR	RENO, NV 89523
BAILEY CARL & BETTY TRUST 12-19-2017	9723 E 36TH LN	YUMA, AZ 85367
WEISS ROBERT HAROLD & FREIDA TRUST 5-19-1992	PO BOX 26209	YUMA, AZ 85367
VALLE RODRIGO JR	9737 E 36TH LN	YUMA, AZ 85365
DIXON LARRY A & SHEILA M JT	3671 S SALIDA DEL SOL AVE	YUMA, AZ 85365
WILLIE AND ELOISE FAMILY TRUST 7-3-95	9698 E 37TH PL	YUMA, AZ 85365
HIMES RICHARD L & JANICE M TRUST 6-4-1998	1602 3RD ST	TILLAMOOK, OR 97141
BARREIRO SHERRY REVOCABLE TRUST 2-15-2022	3777 S SALIDA DEL SOL	YUMA, AZ 85365
NARDOZZA FAMILY TRUST 11-7-2007	709 PONSETTIA PARK SOUTH	ENCINITAS, CA 92024
GONZALEZ VICENTE H & MARIA D JT	3645 S SALIDA DEL SOL AVE	YUMA, AZ 85365
JOHNSTON LYMAN E & SHARON K TRUST 4-15-1993	8297 S 4340 ROAD	WELCH, OK 74369
SEGOVIA MARTIN	PO BOX 2980	SOMERTON, AZ 85350
WEISS ROBERT HAROLD & FREIDA TRUST 5-19-1992	PO BOX 26209	YUMA, AZ 85367
CROTTS DENNIS E & GAYLA A TRUST 8-10-2010	662 QUAIL LN	LE ROY, KS 66857
LEE ANN C & LAWRENCE CPWROS	9727 E 37TH PL	YUMA, AZ 85365
BOWEN FAMILY TRUST 12-30-2008	3781 S SALIDA DEL SOL AVE	YUMA, AZ 85365
BECERRA RODOLFO	9742 E 38TH ST	YUMA, AZ 85365
GOHL RICHARD L & CYNTHIA A JT	9728 E 38TH ST	YUMA, AZ 85365
HOWEY KENNETH & DONNA JT	105 1339 MCGIL RD	KAMLOOPS, BC V2C 6K7
HIMES RICHARD & JANICE JT	1602 3RD ST	TILLAMOOK, OR 97141
DIEZ FAMILIA AZ LLC	2851 S AVE B SUITE 18	YUMA, AZ 85364
HARDKNOCKS LLLP	190 S MADISON AVE STE 2	YUMA, AZ 85364
4W AZ LLC	2851 S AVE B SUITE 18	YUMA, AZ 85364
HARDNOCKS AZ LTD PARTNERSHIP	242 S 1ST AVE	YUMA, AZ 85364
STATZER WILLIAM H & CONNIE G JT	3683 S SALIDA DEL SOL AVE	YUMA, AZ 85365
RICHARDS WILLIAM JR & KYLEE SIERRAH	3848 S AVE 10E	YUMA, AZ 85365
GUTIERREZ MANUEL FRANCISCO	6219 E 44TH ST	YUMA, AZ 85365
HARDNOCKS AZ LTD PARTNERSHIP	242 S 1ST AVE	YUMA, AZ 85364
HARDKNOCKS LTD PART	190 S MADISON AVE STE 2	YUMA, AZ 85364
PEREZ MONICA	3639 S SALIDA DEL SOL AVE	YUMA, AZ 85365

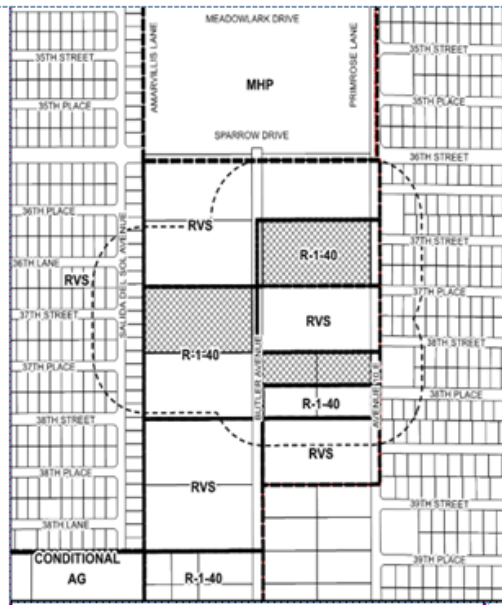
Property Owner	Mailing Address	City/State/Zip Code
HARDKNOCKS AZ LP	190 S MADISON AVE STE 2	YUMA, AZ 85364
HARDKNOCKS LTD PART	190 S MADISON AVE STE 2	YUMA, AZ 85365
ROSJON REAL ESTATE & INVESTMENTS AZ LLC	2851 S AVE B SUITE 18	YUMA, AZ 85364
HARDKNOCKS LTD PART	190 S MADISON AVE STE 2	YUMA, AZ 85365
ST CLAIR SAMUEL DOUGLAS & JUSTINE AUTUMN	10125 E 37TH PL	YUMA, AZ 85365
FAVISH SHELLEY M	10123 E 37TH ST	YUMA, AZ 85365
WINGER CHRISTOPHER	10135 E 37TH PL	YUMA, AZ 85365
GRANGER JOSHUA C	10145 E 37TH PL	YUMA, AZ 85365
FOSTER FRED J JR	10155 E 37TH PL	YUMA, AZ 85365
CRUZ DANIEL R & MARGARITA	10156 E 37TH ST	YUMA, AZ 85365
ORTIZ MARCO A & CARMEN M TRUST 11-15-01	PO BOX 4787	YUMA, AZ 85366
CASTILLO EDUARDO	PO BOX 1454	CARLSBAD, CA 92018
BANUELOS GRISELDA J	10441 E 36TH PL	YUMA, AZ 85365
SSC PROPERTIES & INVESTMENTS AZ LLC	526 N MARSHALL LOOP RD	SOMERTON, AZ 85350
ROBINSON JAMES MICHAEL	10153 E 37TH ST	YUMA, AZ 85365
R AND R RENTAL PROPERTIES DE LLC	3426 HEATHERWOOD DR	EL CAJON, CA 92019
SMITH JASON N	10134 E 36TH PLACE	YUMA, AZ 85365
HUTMACHER JESSE	10133 E 37TH ST	YUMA, AZ 85365
BRIONES PAOLA	10155 E 36TH PL	YUMA, AZ 85365
DE LA TORRE JUAN & YOLANDA JT	4617 S BLOSSER RD	SANTA MARIA , CA 93455
KOTTKE MATTHEW R	10145 E 36TH PL	YUMA, AZ 85365
SP TRUST 4-5-2021	14303 E 51ST ST	YUMA, AZ 85367
WOOD LORRAINE	12158 WINTER GARDENS DR	LAKESIDE, CA 92040
COLINA MARICRIS SMITH	1493 LA CHICA DR	CHULA VISTA, CA 91911
FILATOFF JACQUELINE	10136 E 37TH ST	YUMA, AZ 85365
MARMOLEJO DAVID C II & MARY E	10144 E 37TH PL	YUMA, AZ 85365
IBARRA JOSE ALBERTO & MARIA LOURDES JT	10124 E 37TH PL	YUMA, AZ 85365
PAVLICK-HICKS TRUST 8-15-05	1650 LA MESA AVE	SPRING VALLEY, CA 91977
RISING SAMUEL	88605 WEISS ESTATES LANE	BANDON, OR 97411
PEGRUM FAMILY LIVING TRUST 12-6-2010	10141 E 38TH ST	YUMA, AZ 85365
YUMA COUNTY OF	198 S MAIN ST	YUMA, AZ 85364
MACLEAN ALEX L & THERESA E	11186 S SHADOW AVE	YUMA, AZ 85367
LEINBACH DARCI ANN & JASON C JT	10136 E 38TH ST	YUMA, AZ 85365
ARNEY MICHAEL D	10156 E 38TH ST	YUMA, AZ 85365
YUMA COUNTY OF	198 S MAIN ST	YUMA, AZ 85364
VILLASENOR FERNANDO C JR	10114 E 37TH PL	YUMA, AZ 85365
EZELL TYLOR MARIE	10113 E 37TH ST	YUMA, AZ 85365
SIMS BEVERLY	10114 E 36TH PL	YUMA, AZ 85365
CAMARENA KRISTOPHER J	3676 W 36TH ST	YUMA, AZ 85365
ESPINOZA NORIEGA IRIS	10153 E 38TH PL	YUMA, AZ 85365
GARCIA FAUSTO	10126 E 38TH LN	YUMA, AZ 85365
BILLMAN JOE ETAL JT	10123 E 38TH PL	YUMA, AZ 85365
KAMPE ELIZABETH ANNE TRUST	14889 E 47TH LN	YUMA, AZ 85367
THOMAS GREGORY L & SAMRIENG	10150 E 38TH LN	YUMA, AZ 85365
MCCLARAN KEVIN D	1321 ROXANNE DR	EL CAJON, CA 92021
R AND R RENTAL PROPERTIES DE LLC	3426 HEATHERWOOD DR	EL CAJON, CA 92019
GARCIA BACILLO NUNEZ JR	10143 E 38TH PL	YUMA, AZ 85365
CAMARILLO ANTONIO FELIX	10133 E 38TH PL	YUMA, AZ 85367
MARTINEZ ANTONIO	10114 E 38TH LN	YUMA, AZ 85365

**ATTACHMENT G
NEIGHBOR POSTCARD MAILING**

This is a request by Core Engineering Group, PLLC, on behalf of Butler Estates, LLC, for approval of the preliminary plat for the Butler Estates Subdivision. This subdivision contains approximately 12.59 acres and is proposed to be divided into 52 residential lots, ranging in size from approximately 5,326 sq. ft. to 10,952 sq. ft., for the property located at the northwest corner of E. 37th Street and S. Avenue 10E, Yuma, AZ.

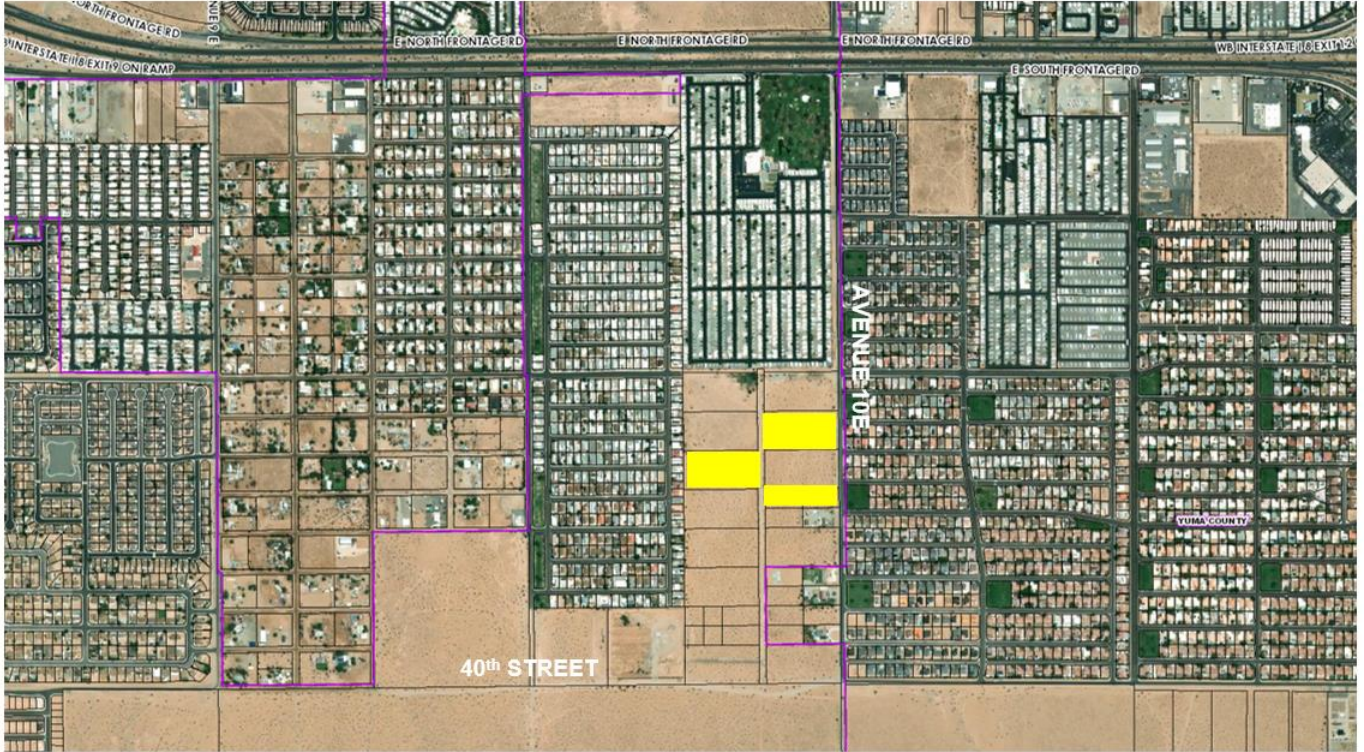
**MEETING DATE,
TIME & LOCATION
FOR CASE #
SUBD-40583-2022**

PUBLIC HEARING
02/27/23 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



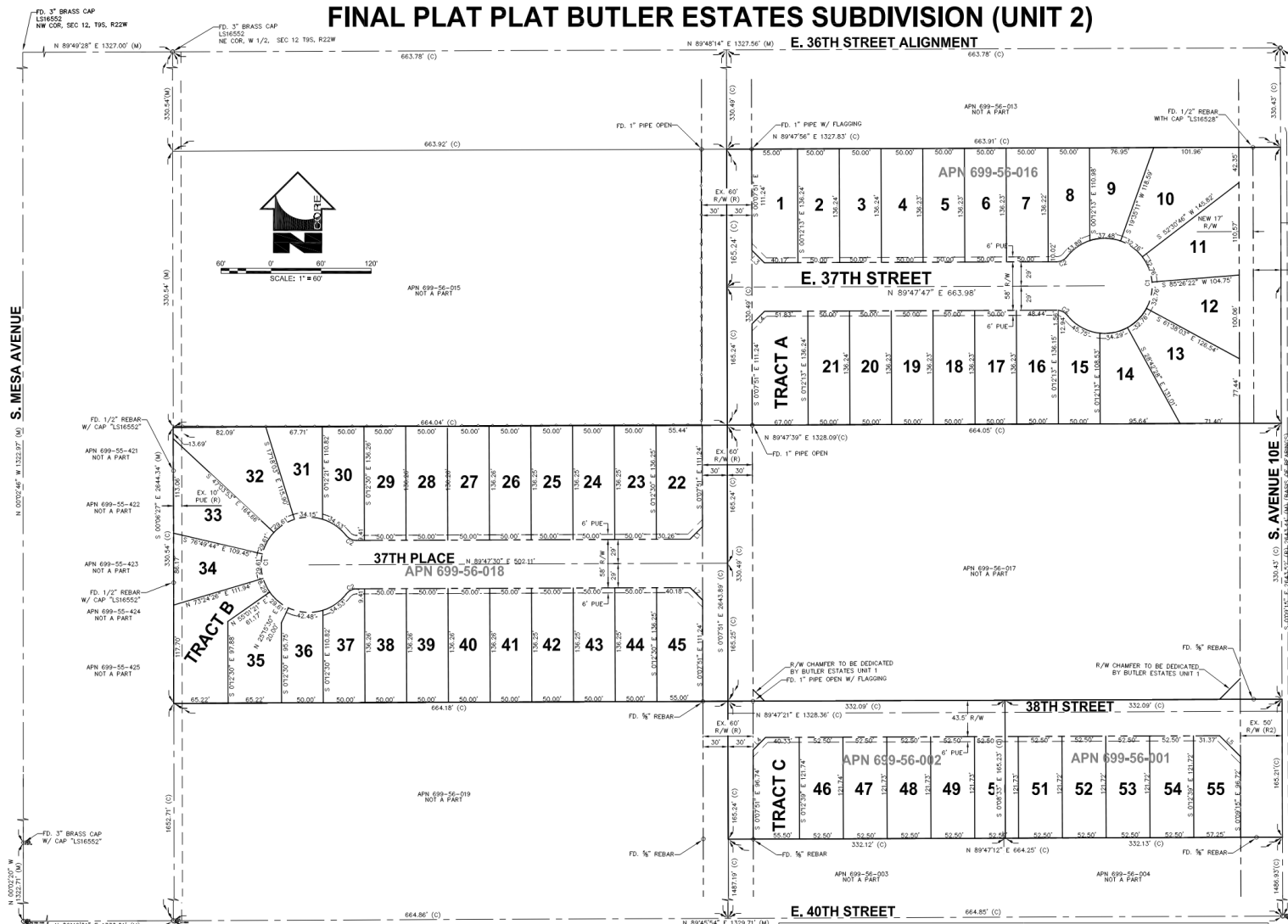
Because you are a neighbor within 300' of the northwest corner of E. 37th Street and S. Avenue 10E, Yuma, AZ you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Robert Blevins by phone at (928) 373-5189 or by email at Robert.Blevins@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO



FINAL PLAT PLAT BUTLER ESTATES SUBDIVISION (UNIT 2)

E. 36TH STREET ALIGNMENT



LEGEND

- CENTERLINE
- - - PROPOSED R/W
- - - SUBDIVISION BOUNDARY
- PUBLIC UTILITY EASEMENT
- Y.C.R. YUMA COUNTY RECORDS
- 11 NEW LOT NUMBER
- FOUND MONUMENT (TYPE AS NOTED)
- SET MONUMENT
- (M) MEASURED
- (C) CALCULATED
- (R) PER BOOK 4 OF PLATS, PAGE 100, Y.C.R.
- (R2) PER FEE #2002-00814, Y.C.R.

MAILBOXES

1 PER NEIGHBORHOOD

BASIS OF BEARINGS

THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 9 SOUTH, RANGE 22 WEST OF THE GILA AND GALT RIVER BASE AND MERIDIAN, YUMA COUNTY, ARIZONA PER RANCHO EL TORREO SUBDIVISION AS RECORDED IN BOOK 4 OF PLATS, PAGE 100, Y.C.R.

NAMELY: N 00°09'15" W

CITY OF YUMA ZONING

ZONING: R-2.5 MEDIUM DENSITY SINGLE-FAMILY RESIDENTIAL

BENCHMARK

CITY OF YUMA BENCHMARK #2216:
31" GENERAL LAND OFFICE SURVEY (1920) BRASS CAP WITH PUNCH MARK IN HAND HOLE 13" BELOW ASPHALT BENE THE EX. CORNER OF SECTION 12, R22W, T9S OF THE GILA AND GALT RIVER MERIDIAN BASIN, LOCATED IN THE INTERSECTION OF 36TH AND AVE 10E.
ELEVATION = 259.48 (NAVD-1988)

FLOOD ZONE

PER FLOOD INSURANCE RATE MAP (PANEL NUMBER 9402731910) EFFECTIVE DATE JANUARY 16, 2014, THE SUBJECT PROPERTY IS LOCATED WITHIN ZONE X AREAS OF 0.25 ANNUAL CHANCE FLOOD; AREAS OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

ASSESSORS PARCEL NUMBERS

APN 699-56-016: GROSS AREA = 5.0371 ACRES
APN 699-56-018: GROSS AREA = 5.0390 ACRES
APN 699-56-002: GROSS AREA = 1.2568 ACRES
APN 699-56-001: GROSS AREA = 1.2597 ACRES

DATE PREPARED

FEBRUARY 2025

SURVEY DATE

FEBRUARY 15, 2022

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE SUBDIVISION AS SHOWN HEREON WAS MADE UNDER MY DIRECTION DURING FEBRUARY 2025 AND THAT ALL REGULATIONS AND REQUIREMENTS OF THE SUBDIVISION REGULATIONS OF THE CITY OF YUMA HAVE BEEN MET.



PREPARED BY

CORE ENGINEERING GROUP, PLLC
200 East Main Street, Suite 100
Yuma, AZ 85404
V: 928.344.5091 F: 928.344.5032
www.CoreEngGroup.com
Core@Coreeng.com
Core Project No. R21-127

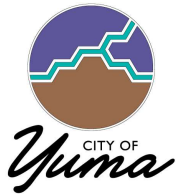


SHEET 2 OF 2

NUMBER	BEARING	DISTANCE (FT)
1B	N 44°09'49" E	21.23
1C	S 45°10'11" E	21.20
1D	S 45°07'27" E	21.20
1E	N 44°05'03" E	21.23
1S	S 45°10'57" E	35.34

CURVE	RADIUS	DELTA ANGLE	ARC LENGTH
C1	87.00'	283°53'13"	382.42'
C2	16.00'	51°56'37"	14.51'

LOT #	AREA	LOT #	AREA	LOT #	AREA	LOT #	AREA	LOT #	AREA
1	7392	11	7983	21	6812	31	5558	41	6813
2	6812	12	7135	22	7429	32	9428	42	6813
3	6812	13	11210	23	6812	33	8314	43	6812
4	6812	14	7245	24	6812	34	6136	44	6812
5	6812	15	5993	25	6813	35	7607	45	7394
6	6812	16	6811	26	6813	36	5442	46	6391
7	6811	17	6811	27	6813	37	6399	47	6391
8	6302	18	6812	28	6813	38	6813	48	6391
9	6260	19	6812	29	6813	39	6813	49	6391
10	10905	20	6812	30	6289	40	6813	50	6391



City of Yuma

City Council Report

File #: R2025-026

Agenda Date: 4/2/2025

Agenda #: 1.

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

TITLE:

Preannexation Development Agreement: 2186 S. Engler Avenue

SUMMARY RECOMMENDATION:

Authorize a Preannexation Development Agreement for the property located at 2186 S. Engler Avenue. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

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

REPORT:

Rommay Investments, LLC (owner) owns the parcel located at 2186 S. Engler Avenue (APN 666-18-026) (Property). The owner has requested a Preannexation Development Agreement to connect to City of Yuma Services. The owner's intent is to establish a contractor's office and body and paint repair for agriculture equipment.

In accordance with City policy, to receive City of Yuma services, annexation or a preannexation development agreement are required. Since annexation of the Property is not possible at the current time, a Preannexation Development Agreement will be executed, kept on file, and utilized at such time that a larger annexation can be brought forward.

The attached resolution authorizes a Preannexation Development Agreement with Rommay Investments, LLC for the Property shown on the location map attached to the 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:

Not Applicable

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: 03/25/2025
Reviewed by City Attorney: Richard W. Files	Date: 03/23/2025

RESOLUTION NO. R2025-026

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AUTHORIZING AND APPROVING THE EXECUTION OF A PREANNEXATION DEVELOPMENT AGREEMENT WITH ROMMAY INVESTMENTS, LLC FOR ASSESSOR PARCEL NUMBER 666-18-026 LOCATED AT 2186 S. ENGLER AVENUE

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

WHEREAS, the owners of certain real property identified as APN 666-18-026 (the Property) desire to annex the Property into the municipal boundaries of the City, but the Property does not meet the statutory annexation requirements at this time; and,

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

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

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

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

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

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

Adopted this _____ day of _____ 2025.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

**EXHIBIT A
RESOLUTION NO. R2025-026**

PREANNEXATION DEVELOPMENT AGREEMENT

This PREANNEXATION DEVELOPMENT AGREEMENT (“Agreement”), made and entered into pursuant to Arizona Revised Statutes (A.R.S.) § 9-500.05, is by and between Rommay Investments, LLC (“Owner”), as the owner of the real property identified as APN 666-18-026, more particularly described and depicted in **Exhibit 1** attached and incorporated by reference (the “Property”), and the City of Yuma (“City”), an Arizona municipal corporation. Owner and City shall be referred to collectively as the “Parties” and individually as a “Party.”

RECITALS

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

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

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

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

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

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

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

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

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

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

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

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

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

6.1 Avigation and Range Disclosure, Easement and Waiver. As a covenant and condition to entering into this Agreement, before conveying or transferring any portion of the Property, Owner agrees to disclose that the subject property is located in the vicinity of Yuma County International Airport and the U.S. Marine Corps Air Station, both of which may result in aircraft overflight, vibrations and related noise as may be inherent in the operation of aircraft now known or used for flying within navigable airspace. This

disclosure obligation shall survive the termination of this agreement, shall run with the land, and shall be binding on all successors, assigns and future owners of the Property.

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

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

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

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

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

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

9. City and Owner Cooperation.

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

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

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

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

To Owners:
Rommay Investments, LLC
P.O. Box 165
Yuma, AZ 85366

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

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

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

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

damages as of the time of entry of judgment. The Parties hereby waive any right to seek consequential, punitive, multiple, exemplary or any damages other than actual damages.

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

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

12. Owner Representations. Owner represents and warrants that:

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

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

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

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

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

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

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

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

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

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

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

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

17. Miscellaneous.

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

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

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

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

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

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

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

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

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

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

17.11 No Partnerships; Third Parties. It is not intended by this Agreement to, and nothing contained

in this Agreement shall, create any partnership, joint venture or other arrangement between the Parties. No term or provision of this Agreement is intended to, or shall, be for the benefit of any person or entity not a Party hereto, and no such other person or entity shall have any right or cause of action under this Agreement, except for transferees or assignees to the extent that they assume or succeed to the rights and/or obligations of Owner under this Agreement or such rights and duties described as running with title to the land.

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

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

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

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

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

[Remainder of page intentionally left blank]

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

Dated this _____ day of _____, 2025.

CITY:
CITY OF YUMA

OWNER:
Rommay Investments, LLC

By _____
John D. Simonton
Acting City Administrator

By _____
Dixie Rojas
Manager

By _____
The Dixie E. Rojas Trust
Member

ATTEST:

By _____
Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

By _____
Richard W. Files
City Attorney

ACKNOWLEDGEMENTS

State of Arizona)
) ss
County of Yuma)

The foregoing instrument was acknowledged before me this ____ day of _____, 2025 by Dixie Rojas on behalf of Rommay Investments, LLC.

NOTARY PUBLIC

COMMISSION EXPIRATION:

State of Arizona)
) ss
County of Yuma)

The foregoing instrument was acknowledged before me this ____ day of _____, 2025 by Dixie Rojas on behalf of The Dixie E. Rojas Trust member of Rommay Investments, LLC.

NOTARY PUBLIC

COMMISSION EXPIRATION:

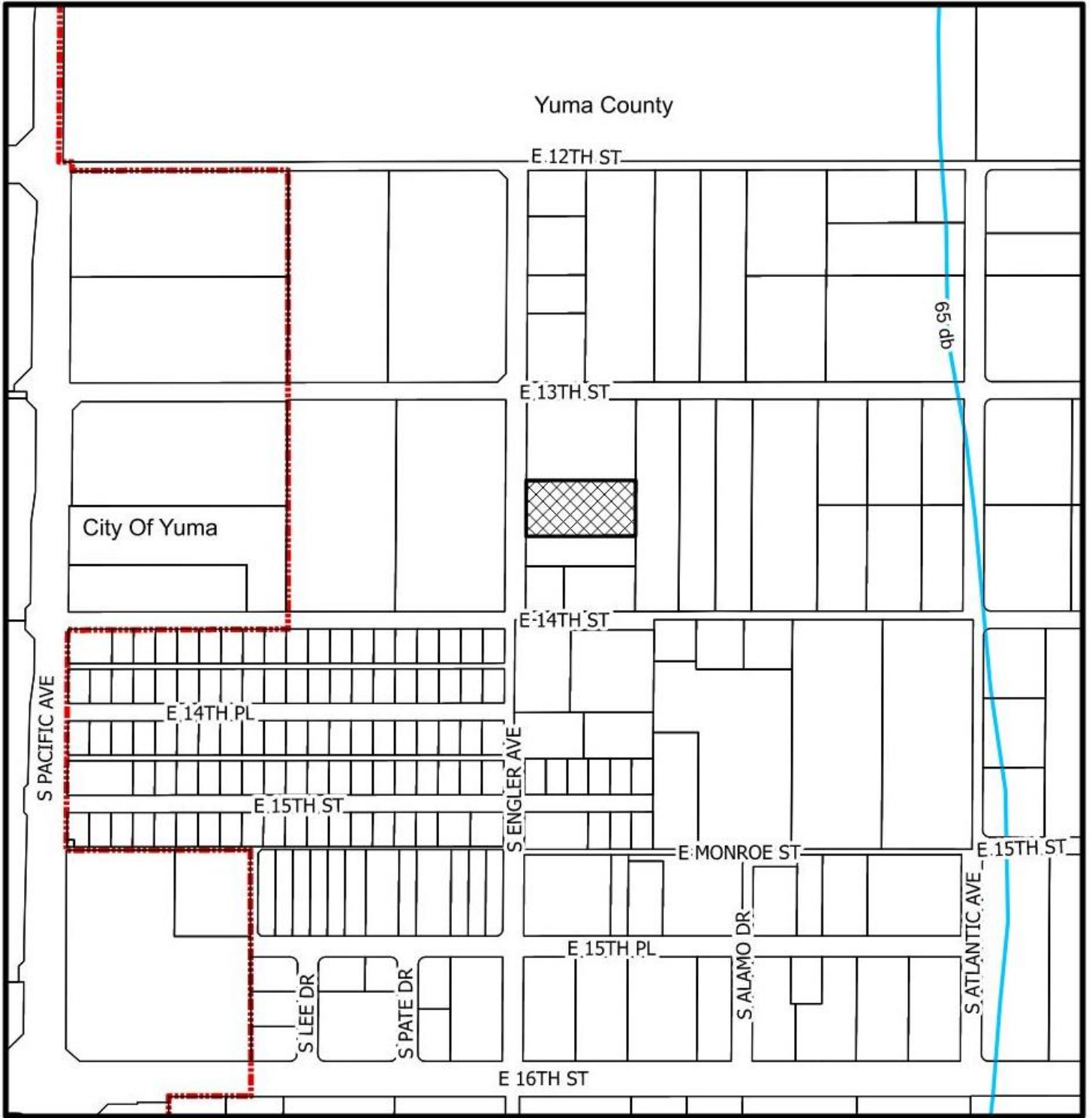
EXHIBIT 1

Legal Description and Depiction of Property

That portion of the Southwest Quarter of the Northeast Quarter of the Southwest Quarter of Section 26, Township 8 South, Range 23 West of the Gila and Salt River Base and Meridian, City of Yuma, Yuma County, Arizona and being more particularly described as follows:

The South 163.00' feet of the North 393.00' feet of Lot 16 "**Gila Acres Subdivision**" according to the plat as recorded in the Yuma County Recorder's Office, Yuma County, Yuma Arizona, in Book 6, Page 99, Dated: 11-05-1973.

Containing 51,400.80 square feet or 1.18 acres more or less.



LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: DG

Checked by: EP



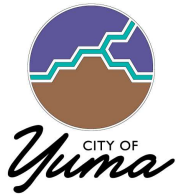
Date: 1/28/2025

Revised:

Revised:

Case #:

AGR-43649-2025



City of Yuma

City Council Report

File #: O2025-006

Agenda Date: 4/2/2025

Agenda #: 1.

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

TITLE:

Declare Property Surplus and Authorize Transfer and Settlement of Lawsuit: Bill Alexander Ford Lincoln Mercury and BJA Enterprises, LLC

SUMMARY RECOMMENDATION:

Authorize the vacation of Bonanza Avenue right-of-way, reserving utility and access easements in the right-of-way, declare the Meinhardt/B-8 Stormwater Basin (subject to certain no-build easements) and the vacated Bonanza Avenue right-of-way (subject to the reserved easements) surplus, and authorize an exchange of the surplus property to Bill Alexander Ford Lincoln Mercury Inc. (Alexander Ford) or its nominee in exchange for a covenant to perform perpetual maintenance and stormwater capacity of the basin property. (City Attorney) (Richard Files)

STRATEGIC OUTCOME:

Approval of this ordinance supports City Council’s strategic outcome of a Unique and Creative solution to divest City responsibilities for maintenance of a stormwater retention basin and roadway into the private sector for a more productive use of the property and the dismissal of a federal lawsuit.

REPORT:

In 2019 the City of Yuma transferred Crest Drive to Alexander Ford in exchange for perpetual maintenance of the Meinhardt/B-8 Stormwater Basin (Bonanza Basin) while reserving utility easements in Crest Drive and title to Bonanza Stormwater Basin in the City of Yuma. In this proposed ordinance, the City will similarly transfer title to Bonanza Avenue to Alexander Ford while reserving utility and access easements, as well as transfer title to Bonanza Basin to Alexander Ford while reserving a 100-foot no-build easement which, in accordance with the Runway Approach and Departure Safety Area (RADSA) described in the Yuma City Code, allows parking on the north 51 feet of the 100 foot no-build easement.

Under a covenant attached to the 2019 deed for Crest Drive, Alexander Ford is currently providing maintenance to the Bonanza Storm Water Basin, which serves the drainage needs of 32nd Street and surrounding properties including Alexander Ford and other auto group dealerships that drain into the basin. The necessary capacity of the basin is equivalent to 22-acre feet, and this capacity must be maintained once title to the Bonanza Basin property transfers or the deed will revert Bonanza Basin and Bonanza Avenue back to the City. Similarly, Bonanza Avenue primarily serves Alexander Ford, utilities, and access for a limited number of other parcels. By turning Bonanza Avenue over to Alexander Ford, as was accomplished with Crest Drive, the City will no longer bear the cost of maintenance and repair of the street.

The savings to the City by vacating the Crest Drive right-of-way and turning over the maintenance of Bonanza Basin to Alexander Ford was estimated in the 2019 City Council ordinance at \$190,730. An additional savings of at least \$125,000 will be realized by transferring Bonanza Avenue to Alexander Ford. To enforce the covenants and easements included with the exchange, the proposed deed (similar to the 2019 Crest Drive deed) carries a right-of-reverter, meaning the property reverts to the City if Alexander Ford fails to maintain the Bonanza Basin or reserved easements as required. Additionally, BJA Enterprises, an affiliate of Bill Alexander Ford, will dismiss its federal takings lawsuit (Case No. 2:20-CV-01901) against the City of Yuma, each party to bear their own attorney’s fees and costs.

Location maps of the described parcels are attached to the proposed ordinance.

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: 03/25/2025
Reviewed by City Attorney: Richard W. Files	Date: 03/23/2025

ORDINANCE NO. O2025-006

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, VACATING THE RIGHT-OF-WAY HEREAFTER DESCRIBED, DECLARING MEINHARDT/B-8 STORMWATER RETENTION BASIN AND THE VACATED RIGHT-OF-WAY SURPLUS WITH THE RESERVATION OF CERTAIN EASEMENTS, AND AUTHORIZING THE EXCHANGE OF THE SURPLUS RIGHT-OF-WAY AND RETENTION BASIN SUBJECT TO A REVERTER CLAUSE UPON THE RECORDING OF A SPECIAL WARRANTY DEED

WHEREAS, the City of Yuma (City) owns certain right-of-way (Bonanza Avenue) and the Meinhardt/B-8 Stormwater Retention Basin (Bonanza Basin), described and depicted in Exhibits A and B to the attached form of special warranty deed (Exhibit 1); and,

WHEREAS, Bill Alexander Ford Lincoln Mercury Inc., an Arizona corporation (Alexander Ford), seeks to acquire fee title to the Bonanza Basin and Bonanza Avenue right-of-way, subject to certain reserved easements, in exchange for a covenant that runs with the land that the owner will maintain the Bonanza Basin to City standards with a minimum retention capacity of 22-acre feet of stormwater; and,

WHEREAS, the City of Yuma has determined that vacating the Bonanza Avenue right-of-way from the south side of 32nd Street as shown on Exhibit A is not detrimental to City operations, as long as an easement is reserved over the existing roadway for access to otherwise landlocked parcels and a utilities easement within the roadway is reserved for existing and future City water, sewer, utility and stormwater drain lines; and,

WHEREAS, by vacating the right-of-way, declaring both the Bonanza Avenue and Bonanza Basin properties surplus, and transferring fee title to Bonanza Avenue and Bonanza Basin to Alexander Ford, the City of Yuma will realize cost savings of \$110,000 for street reconstruction and a further \$3,021 savings every fifth year from slurry seal maintenance requirements in addition to dismissal of Case No. 2:20-CV-01901; and,

WHEREAS, in consideration for the underlying fee title to the Bonanza Avenue and Bonanza Basin properties, Alexander Ford and any successors have agreed to maintain Bonanza Basin and the described easements as a covenant with a right of reverter (and potential permanent loss of use) in the event Alexander Ford or any successor fails to maintain Bonanza Basin and the reserved easements as promised.

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

SECTION 1: The right-of-way described in Exhibit A is vacated with the reservation of a utility easement to the City of Yuma over, under and through the depicted segment of Bonanza Avenue and the reservation of an access easement to any otherwise landlocked parcels.

SECTION 2: The right-of-way described in Exhibit A and the retention basin described in Exhibit B, with the exception of the reserved easements in the form of the special warranty deed attached as Exhibit 1, are declared surplus for City use and authorized for exchange to Alexander Ford, subject to a covenant and right-of-reverter that the owner and owner's successors will maintain Bonanza Basin and the easements as described.

SECTION 3: The maintenance of Bonanza Basin covenant and obligation shall run with title to the surplus properties and, with dismissal of Case No. 2:20-CV-01901, is appropriate consideration commensurate with the value of the surplus property.

SECTION 4: BJA Enterprises LLC must dismiss its lawsuit, with prejudice, each party to bear its own attorney’s fees and costs, before the City of Yuma records title to the surplus property.

SECTION 5: All exhibits described in this ordinance are incorporated by reference and the vacation of the described right-of-way shall be final upon the recording of the special warranty deed in a form similar to that attached as Exhibit 1.

SECTION 6: The City Administrator is authorized to execute the special warranty deed and to act on behalf of the City of Yuma in all matters concerning this ordinance, including dismissal of the lawsuit.

Adopted this _____ day of _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit 1

SPECIAL WARRANTY DEED WITH RIGHT OF REVERTER

City of Yuma to Alexander Ford Lincoln Mercury, Inc.

RECORDING REQUESTED BY

**Bill Alexander Ford Lincoln Mercury, Inc.
801 E 32nd Street
Yuma, Arizona 85365**

Special Warranty Deed

Exempt from Affidavit of property value ARS 11-1134(A)(3)

For the sum of Ten Dollars and other valuable consideration, the **City of Yuma**, an Arizona municipal corporation (**Grantor**), does hereby grant and convey to **Bill Alexander Ford Lincoln Mercury, Inc., an Arizona corporation (Grantee)**, the following real property situated in Yuma County, Arizona:

Parcel A described in Exhibit A and Parcel B described in Exhibit B, each attached and by reference made a part hereof.

SUBJECT TO: Reservation of a perpetual utility and access easement over, under and through the real property described in Exhibit A, attached and by this reference made a part hereof, for the benefit of Grantor, Grantor's licensees, and for other parcels which require access. The reserved easement is for purposes of maintenance, reconstruction and installation of utilities within the easement, as well as access for any parcels that would otherwise be landlocked without the easement.

AND FURTHER SUBJECT TO: Reservation of a 100-foot no-build easement north of the south boundary of the real property (extended centerline of the 34th Street alignment) described in Exhibit B. The no-build easement shall be used to provide for storm water retention for a total retention capacity of no less than 22-acre feet (with a level bottom surface), while the north 51 feet of the no-build easement and remainder of the described Parcel B may only be used for retention of the 22-acre feet minimum and/or parking.

REVERTER: All covenants set forth below shall attach to the land as perpetual covenants and run with title. Any violation of these covenants by the Grantee, Grantee's heirs, successors,

representatives, or assigns, shall forfeit title from Grantee and title shall revert to the Grantor, with the same rights and title as before the execution of this instrument, fully and completely as if this instrument had not been executed and recorded.

In exchange for title granted, Grantee covenants:

- (1) Grantee shall maintain a sufficient stormwater basin on Parcel B of the Meinhardt/B-8 Stormwater Basin Lot Split, dated October 28, 1998 and recorded as Fee# 1998-28530, Book 16 of Plats, Page 13, Yuma County Recorder's Office. This covenant shall run with the land and in the event Grantee fails to maintain the basin to the City of Yuma's published standards with a capacity of no less than 22 acre feet of stormwater (including landscaping), Grantor shall provide Grantee 30 days written notice of the deficiency. If Grantee fails to satisfactorily commence addressing the lack of maintenance or capacity within such 30-day period, Grantor shall then have all rights to declare title forfeit by recording a deed of forfeiture or such other process as may be required by law, whereupon title to the described property shall revert to the Grantor, free and clear of any and all claims or encumbrances of the Grantee.

- (2) Grantee's title shall be subordinate to the reserved easements described above. This covenant shall run with the land and in the event Grantee fails to honor such easements, Grantor shall provide Grantee 30 days written notice of the deficiency. If Grantee fails to satisfactorily honor the easement within such 30-day period, Grantor shall then have all rights to declare title forfeit by recording a deed of forfeiture or such other process as may be required by law, whereupon title to the described property shall revert to the Grantor, free and clear of any and all claims or encumbrances of the Grantee.

Title to the described real property shall vest in the Grantee upon recording this instrument, subject to the reservation of easements and the right of reverter described above, current taxes and other assessments, reservations in patents and all easements, rights-of-way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record.

Grantor hereby binds itself and its successors to warrant and defend title against all acts of the Grantor herein, and no other, subject to the matters and covenants set forth in this instrument.

Dated this _____ day of _____, 2025.

GRANTOR:
City of Yuma, an Arizona municipal corporation

John D. Simonton
City Administrator

Attest:

Approved as to form:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney

Acceptance with Right of Reverter

Bill Alexander Ford Lincoln Mercury, Inc.

By: _____
Ryan Hancock
President

Acknowledgements

State of Arizona)
)ss
County of Yuma)

The foregoing instrument was acknowledged before me this _____ day of _____ 2025, by John D. Simonton, City Administrator, on behalf of the City of Yuma, an Arizona municipal corporation.

My Commission Expires: _____
Notary

State of Arizona)
)ss
County of Yuma)

The foregoing instrument was acknowledged before me this _____ day of _____ 2025, by Ryan Hancock, President, on behalf of Bill Alexander Ford Lincoln Mercury, Inc., an Arizona corporation.

My Commission Expires: _____
Notary

Exhibit A
Legal Description
Bonanza Avenue

A portion of the Northeast Quarter of the Northwest Quarter of Section 10, Township 9 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, and being more particularly described as follows:

Beginning at the Northeast Corner of the Northwest Quarter Northeast Quarter of the Northwest Quarter of said Section 10,

Thence Southerly along the East line of said Northwest Quarter of the Northeast Quarter of the Northwest Quarter a distance of 100.00' feet to a point on the said East line,

Thence Westerly along a line lying 100.00' feet South of and parallel with the North line of said Section 10 a distance of 25.00' feet to a point, also being the **True Point of Beginning**,

Thence Southerly along a line being 25.00' feet East and parallel with the East line of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter a distance of 786.81' feet to a point,

Thence Easterly a distance of 25.00' to a point on the East line of the Northwest Quarter of the Northeast Quarter of the Northwest Quarter of said Section 10,

Thence Southeasterly along a line a distance of 26.00'± feet to a point,

Thence Northerly along a line being 25.00' feet East and parallel with the East line of the Northwest Quarter of the Northeast Quarter Northwest Quarter of said Section 10 a distance of 794.30' feet to a point being 100.00' South of the North line of said Section 10,

Thence Easterly along a line being 100.00' feet South and parallel with the North line of said Section 10 a distance of 50.00' feet to a point also being the **True Point of Beginning**.

Containing 0.90 of an acre more or less.

Legal Description Verified by City Engineer	Date

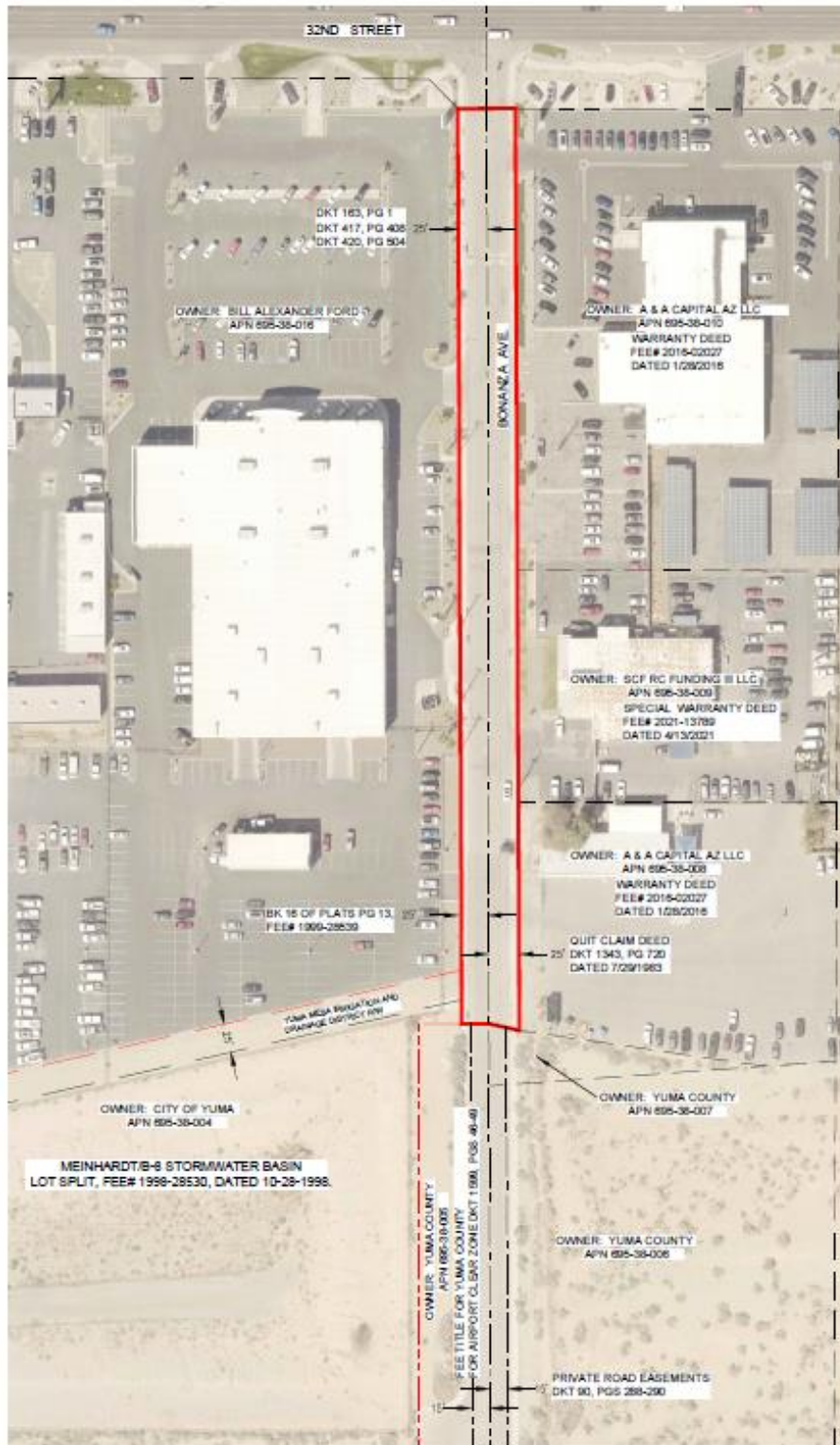


EXHIBIT "A"

CITY OF YUMA
ENGINEERING DEPARTMENT

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

Date: 1-24-2025

SCALE: NA

Prepared by: JOHN NYE



Exhibit B
Legal Description
Parcel "B" Basin

Parcel B as per the MEINHARDT /B-8 STORMWATER BASIN LOT SPLIT, Fee# 1998-28530, Dated: 10-28-1998 in the Yuma County Recorder's Office of Yuma County, Arizona. Also being located in the Southwest Quarter of the Northeast Quarter of the Northwest Quarter, of Section 10, Township 9 South, Range 23 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona.

Containing 4.8028 Acres more or less.

Legal Description Verified by City Engineer	Date



RETENTION BASIN

EXHIBIT "B"

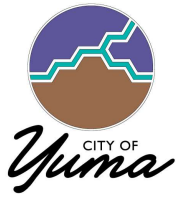
CITY OF YUMA
ENGINEERING DEPARTMENT

Prepared by: JOHN NYE

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

Date:	1-24-2025
SCALE:	1"=100'





City of Yuma

City Council Report

File #: O2025-009

Agenda Date: 4/2/2025

Agenda #: 2.

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

TITLE:

Rezoning of Property: Café Main Street Properties, LLC

SUMMARY RECOMMENDATION:

Rezone approximately 4.18 acres located west of the 7th Street and 21st Avenue intersection, Yuma, AZ from the High Density Residential (R-3) District to the General Commercial (B-2) District. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

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

REPORT:

The subject property is located west of the W. 7th Street and S. 21st Avenue intersection and is approximately 4.18 acres. The property was annexed into the City of Yuma on February 2, 1954, and was recently the subject of a General Plan Amendment to change the designated land use from Low Density Residential to Commercial.

With this request the applicant is seeking to rezone the property from the High Density Residential (R-3) District to the General Commercial (B-2) District for the development of new company housing. The applicant intends to develop the property with six two-story apartment buildings, with 16 apartments per building. Access to the site will be from 21st Avenue and 24th Avenue.

Company housing (large) is a permitted use within the General Commercial (B-2) District. It is defined by the zoning code as housing provided to employees by a commercial entity, labor contractor or employer. Occupancy (persons per unit) for a large complex shall be determined by the Property Maintenance Code. At this time, the number of occupants is unknown, but can vary depending on the size of the bedrooms and the total square footage of the living and dining areas. The proposed development will be fully occupied for six months and partially occupied for the remaining six months.

All new development will be required to meet the City of Yuma development standards for the General Commercial (B-2) District, including building setbacks, height limitations, paved access, parking, lighting, and landscaping. In addition, the following development standards further specified in Yuma City Code §154-15.19 (C) will be required for the new construction of company housing (large):

1. Parking shall comply with the parking required of multiple dwellings.
 - a. Shall provide dedicated on-site bus parking for loading and unloading of residents within a minimum of one bus parking space for each 50 residents.
 - b. The parking and or/idling of vehicles, used for pick-up, on public streets shall be prohibited.
 - c. The Zoning Administrator shall have the authority to approve off-site pick-up locations as an alternative to providing on-site bus parking when such alternatives are available.
2. Each occupant shall be required to have or be provided their own bed.
3. It is required that each new construction company housing complex (large) provide an indoor recreation facility. On-site outdoor recreation facility for this development will not be required because the property is within 1,500 feet of a public park.
4. On-site laundry facilities are required.
5. A complex housing 25 or more occupants requires the presence of a crew chief or supervisor on-site.
6. An annual inspection of the company housing complex will be performed by the Building Official and/or the Fire Marshal, prior to occupancy.
7. All company housing complexes are required to have property manager contact information posted on-site with visibility and access by the general public.

Two site plan options were provided during the Pre-Development Meeting. Site Plan Option A illustrates the proposed layout of the buildings, featuring 60 parking spaces and a bus turnout for on-site bus parking. Site Plan Option B showcases the proposed layout of the buildings with 148 vehicle parking spaces and no on-site bus parking. The number of vehicle parking spaces will be determined based on the number of bedrooms in each unit, while the amount of on-site bus parking will be determined by the number of occupants in the development. Both the number of vehicle parking and on-site bus parking will be reviewed during the plan review stage.

The request to rezone the property from the High Density (R-3) District to the General Commercial (B-2) District conforms with the General Plan.

On February 24, 2025, the Planning and Zoning Commission voted 4-0 to recommend approval of the request to rezone approximately 4.18 acres from the High Density Residential (R-3) District to the General Commercial (B-2) District for the property located west of the 7th Street and 21st Avenue intersection, Yuma, AZ, 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. In lieu of a Traffic Impact Statement/Study, the owner can furnish a statement of the number and times of the trips in/out by buses and/or vans as well as the number of people who will drive to location, park and transfer to the buses and/or vans. Also included in this statement should be how the Owner intends to accommodate parking for those people who drive to/from business daily for work. Owner will also agree to have a Traffic Impact Study done in the future, if they decide to change to standard multifamily housing. Owner will also agree to pay for improvements recommended in the study, should the project convert to standard multifamily housing in the future.
4. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

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

Erika Peterson, Senior Planner summarized the staff report and recommended APPROVAL with the inclusion of a new Engineering Condition.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT’S REPRESENTATIVE

None

PUBLIC COMMENT

None

MOTION

“Motion by Malouff-Craig, second by Lorraine Arney to APPROVE ZONE-43538-2024 with the addition of a Condition provided by Engineering which states as follows “In lieu of a Traffic Impact Statement/Study, the owner can furnish a statement of the number and times of the trips in/out by buses and/or vans as well as the number of people who will drive to location, park and transfer to the buses and/or vans. Also included in this statement should be how the Owner will accommodate parking for those people who drive to/from business daily for work. Owner will also agree to have a Traffic Impact Study done in the future, if the Owner decides to change to standard multifamily housing. Owner will also agree to pay for improvements recommended in the study, should the project convert to standard multifamily housing in the future.

“Motion carried unanimously, (4-0) with two absent and one vacancy.’

Planning and Zoning Staff Report - Attached

FISCAL REQUIREMENTS:

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

FISCAL IMPACT STATEMENT:

NOT APPLICABLE

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: 03/25/2025
Reviewed by City Attorney: Richard W. Files	Date: 03/23/2025



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

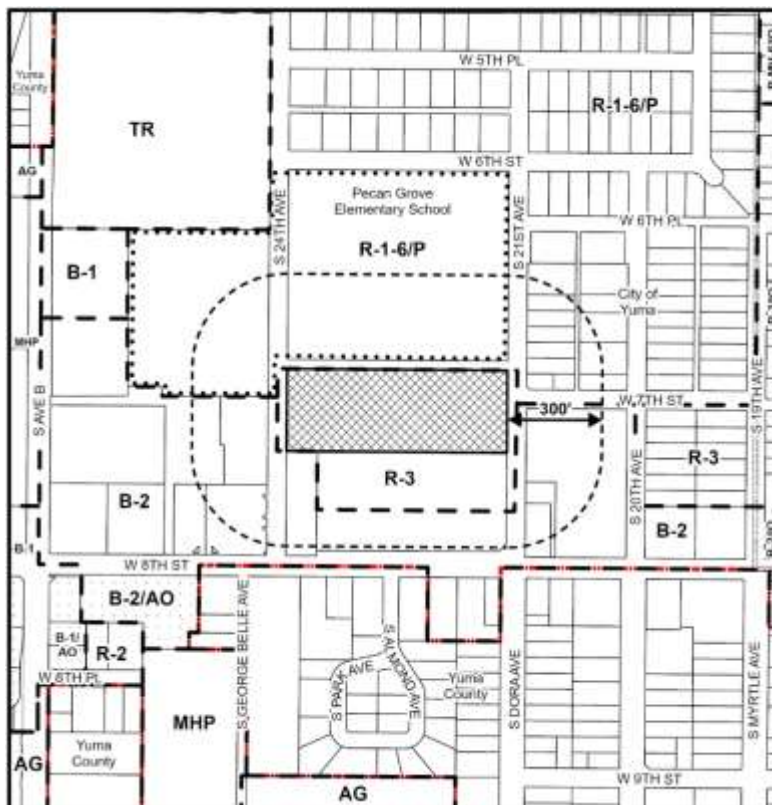
Hearing Date: February 24, 2025

Case Number: ZONE-43538-2024

Project Description/ Location: This is a request by Bob Woodman, on behalf of Café Main Street Properties, to rezone approximately 4.18 acres from the High Density Residential (R-3) District to the General Commercial (B-2) District, for the property located west of the W. 7th Street and S. 21st Avenue intersection, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	High Density Residential (R-3)	Undeveloped	Low Density Residential
North	Low Density Residential (R-1-6)	Elementary School	Public/Quasi Public
South	High Density Residential and General Commercial (R-3/B-2)	Company Housing	Low Density Residential
East	Low Density Residential and General Commercial (R-1-6/B-2)	Single-family homes Desert Palms MH & RV Park	Low Density Residential
West	Low Density Residential and General Commercial (R-1-6/B-2)	Single-family residence and COY retention basin	Low Density Residential/Mixed Use

Location Map



Prior site actions: Annexation Ord. 605, February 2, 1954; Rezone Ordinance O2015-036 (R-3/PUD to R-3); Subdivision Pecan Grove Garden Estates Subdivision Lot Tie, Fee No. 2015-21970; Pre-Development Meeting: September 26, 2024; General Plan Amendment R2025-XXX, February 19, 2025

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the High Density Residential (R-3) District to the General Commercial (B-2) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE- 43538-2024 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 approximately 4.18 acres from the High Density Residential (R-3) District to the General Commercial (B-2) District for the property located west of the W. 7th Street and S. 21st Avenue intersection, 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 west of the W. 7th Street and S. 21st Avenue intersection and is approximately 4.18 acres. The property was annexed into the City of Yuma on February 2, 1954, and was recently the subject of a General Plan Amendment to change the designated land use from Low Density Residential to Commercial.

With this request the applicant is seeking to rezone the property from the High Density Residential (R-3) District to the General Commercial (B-2) District for the development of new company housing. The applicant intends to develop the property with six two-story apartment buildings, with 16 apartments per building. Access to the site will be from 21st Avenue and 24th Avenue.

Company housing (large) is a permitted use within the General Commercial (B-2) District. It is defined by the zoning code as housing provided to employees by a commercial entity, labor contractor or employer. Occupancy (persons per unit) for a large complex shall be determined by the Property Maintenance Code. At this time, the number of occupants is unknown, but can vary depending on the size of the bedrooms and the total square footage of the living and dining areas. The proposed development will be fully occupied for six months and partially occupied for the remaining six months.

All new development will be required to meet the City of Yuma development standards for the General Commercial (B-2) District, including building setbacks, height limitations, paved access, parking, lighting, and landscaping. In addition, the following development standards further specified in §154-15.19 (C) will be required for the new construction of company housing (large):

1. Parking shall comply with the parking required of multiple dwellings.
 - a. Shall provide dedicated on-site bus parking for loading and unloading of residents within a minimum of one bus parking space for each 50 residents.
 - b. The parking and or/idling of vehicles, used for pick-up, on public streets shall be prohibited.

- c. The Zoning Administrator shall have the authority to approve off-site pick-up locations as an alternative to providing on-site bus parking when such alternatives are available.
- 2. Each occupant shall be required to have or be provided their own bed.
- 3. It is required that each new construction company housing complex (large) provide an indoor recreation facility. On-site outdoor recreation facility for this development will not be required because the property is within 1,500 feet of a public park.
- 4. On-site laundry facilities.
- 5. A complex housing 25 or more occupants requires the presence of a crew chief or supervisor on-site.
- 6. An annual inspection of the company housing complex will be performed by the Building Official and/or the Fire Marshal, prior to occupancy.
- 7. All company housing complexes are required to have property manager contact information posted on-site with visibility and access by the general public.

Two site plan options were provided during the Pre-Development Meeting. Site Plan Option A illustrates the proposed layout of the buildings, featuring 60 parking spaces and a bus turnout for on-site bus parking. Site Plan Option B showcases the proposed layout of the buildings with 148 vehicle parking spaces and no on-site bus parking. The number of vehicle parking spaces will be determined based on the number of bedrooms in each unit, while the amount of on-site bus parking will be determined by the number of occupants in the development. Both the number of vehicle parking and on-site bus parking will be reviewed during the plan review stage.

The request to rezone the property from the High Density (R-3) District to the General Commercial (B-2) District conforms with the General Plan.

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

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

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
21 st Avenue-Local Road 2 Lanes	29 FT HW	30 FT HW				
8 th Street- Minor Arterial 4 Lanes	50 FT HW	40 FT HW		X		X
Bicycle Facilities Master Plan	8 th Street- Proposed bike lane; 21 st Avenue- Proposed bike route					
YCAT Transit System	8 th Street at Avenue B and 8 th Street at Magnolia- 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: Kiwanis Park				Future: Kiwanis Park					
Community Park:			Existing: Carver Park Complex				Future: Carver Park Complex					
Linear Park:			Existing: West Main Canal Linear Park				Future: Thacker Lateral 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 2018-2022 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person			Dwellings & Type		Projected	Police	Water		Wastewater			
			<i>Non-residential</i>		Population	Impact	Consumption		Generation			
			Maximum	Per Unit		Officers	GPD	AF	GPD			
			0	0	0	0.00	0	0.0	0			
Minimum												
0	0	0	0.00	0	0.0	0						
Fire Facilities Plan:			Existing: Fire Station No. 4				Future: Northwest Valley					
Water Facility Plan:			Source:		City		X	Private		Connection: 6" AC on S. 21 st Avenue		
Sewer Facility Plan:			Treatment:		City		X	Septic		Private		
Connection: 8" line through parcel												
Issues:		None										
Safety Element:												
Flood Plain Designation:			500 Year Flood			Liquefaction Hazard Area:			Yes		No	X
Issues:		None										
Growth Area Element:												
Growth Area:		Araby Rd & Interstate 8			Arizona Ave & 16 th St			Avenue B & 32 nd St.				
		North End		Pacific Ave & 8 th St			Estancia		None		X	
Issues:		None										

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

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

Public Comments Received: None Received.

External Agency Comments: See Attachment E

Neighborhood Meeting Comments: No meeting required.

Proposed conditions delivered to applicant on: 1/30/2025

Final staff report delivered to applicant on: 2/10/2025

- Applicant agreed with all of the conditions of approval on: (enter date)
- Applicant did not agree with the following conditions of approval: (list #'s)
- Conditions of approval were emailed to the applicant on 1/30/2025 and staff is currently awaiting a response.

Attachments

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

Prepared By: *Erika Peterson* **Date:** 1/28/2025

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

Reviewed By: *Jennifer L. Albers* **Date:** 2/3/25

Jennifer L. Albers
Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** 02/11/2025

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:

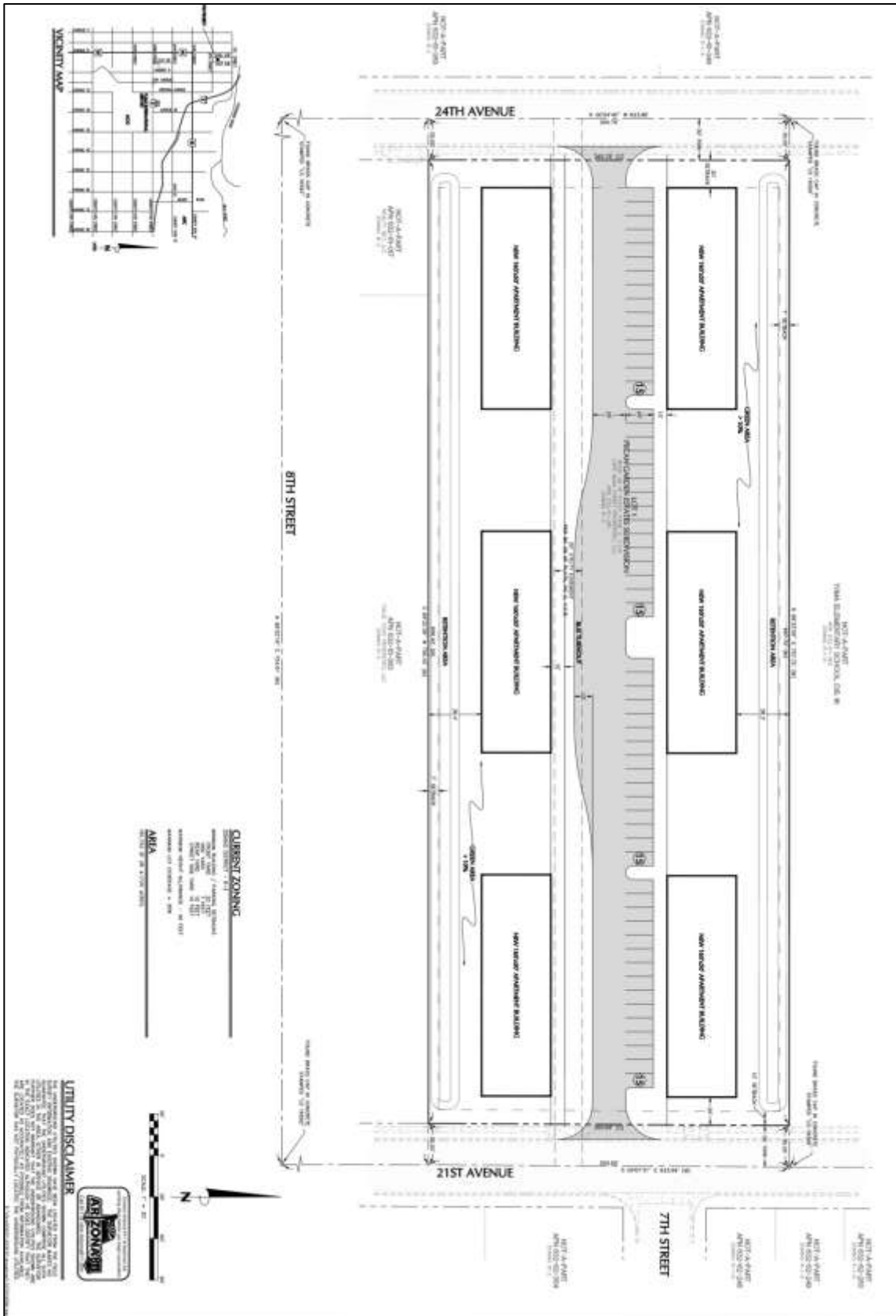
1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.

Community Planning, Erika Peterson, Senior Planner, (928) 373-5000 x3071

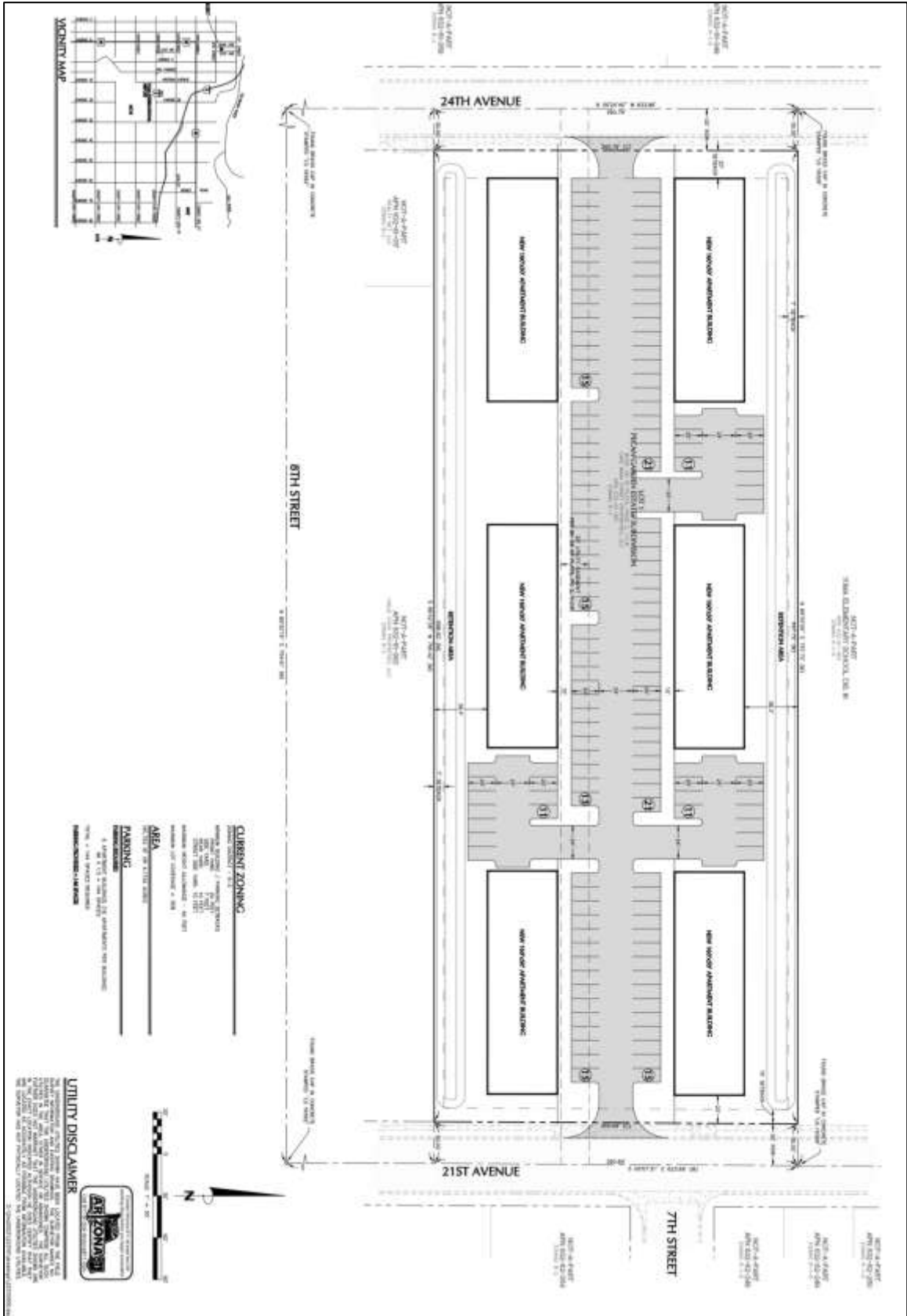
3. Each of the conditions listed above shall be completed within two (2) years of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval 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 A




**ATTACHMENT C
CONCEPTUAL SITE PLAN B**



CURRENT ZONING

APARTMENT BUILDING (1000+ UNITS)	R-10
AREA OF SITE	
APARTMENT BUILDING (1000+ UNITS)	
AREA OF SITE	
PARKING	
APARTMENT BUILDING (1000+ UNITS)	

UTILITY DISCLAIMER



**ATTACHMENT D
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** 1/31/2025
- **300' Vicinity Mailing:** 1/6/2025
- **34 Commenting/Reviewing Agencies noticed:** 1/9/2025
- **Site Posted on:** 2/18/2025
- **Neighborhood Meeting:** N/A
- **Hearing Date:** 2/24/2025
- **Comments due:** 1/20/2025

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	1/9/2025	X		
Yuma County Engineering	NR				
Yuma County Public Works	YES	1/9/2025	X		
Yuma County Water Users' Assoc.	YES	1/10/2025	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	1/10/2025		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	1/13/2025	X		
Ft. Yuma Quechan Tribe	YES	1/9/2025	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	1/13/2025	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	NR				
Utilities	NR				
Public Works	NR				
Streets	NR				

1/14/2025

TO: Jamie Sheldahl
Yuma Elementary School District #1

CO: Erika Peterson
City of Yuma


FROM: Bob Woodman

This letter is in response to the comments from Mr. Sheldahl of Yuma Elementary School District. In the order of the comments: 1) the construction of the proposed complex will provide housing for approximately 780 employees. This should vacate 130 apartments that the owners currently lease throughout Yuma. Hopefully this will place those units back on the market for lease. 2) Company housing does not affect Code Requirements, the construction of company housing must comply with all requirements and building codes of the City of Yuma and the Department of Labor. 3) Affordable Housing is a problem throughout Yuma and the nation. This problem is entirely related to the cost of materials, cost of land, labor increases and utility costs. In the construction of Company Housing, these projects are burdened with these same increases.

In closing, the rezoning from R-3 to B-2 will not change affordable housing needs in Yuma. The intended use was an allowed use in both zoning districts. The ag industry in Yuma also suffers from the lack of housing. This project is designed to accommodate the needs of ag industry and the lack of housing for their employees.

Reply from James Sheldahl dated 1/14/2025:

From: James Sheldahl <jsheldahl@yuma.org>
Sent: Tuesday, January 14, 2025 2:43 PM
To: Erika Peterson
Subject: Re: Zone 43438-2024 & Zone 43539-2024 Comments

 **CAUTION:** External Email

Thank you for clarification on this request. I did not realize that company housing was zoned commercial, rather than residential. I would welcome an opportunity to visit with Mr. Woodman to gain a broader understanding of the project and the potential downstream benefits.

Sincerely,
Jamie

**ATTACHMENT F
NEIGHBOR NOTIFICATION LIST**

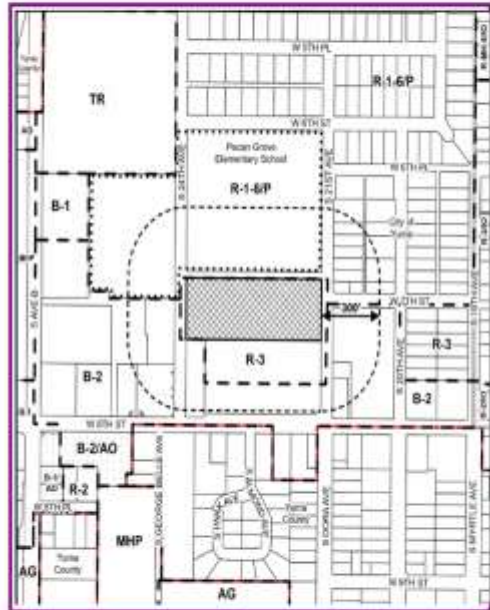
Property Owner	Mailing Address	City/State/Zip Code		
AGREE CENTRAL LLC	32301 WOODWARD AVE	ROYAL OAK	MI	48073
BALBIN ALEJANDRINA	687 S 21ST AVE	YUMA	AZ	85364
CABRERA OLGARIO PEREZ	666 S 20TH AVE	YUMA	AZ	85364
CAFE MAIN STREET PROPERTIES LLC	PO BOX 2613	SALINAS	CA	93902
CALLE OCHO PROPERTIES LLC	1582 MOFFETT ST STE G	SALINAS	CA	93905
CARDENAS ROSA	1773 W 27TH DR	YUMA	AZ	85364
CARDIEL MARIA R	495 W 20TH ST	YUMA	AZ	85364
CHERNEK FRANCIS STEVEN & KATHLEEN JT	2554 W 16TH ST PMB 225	YUMA	AZ	85364
DE LA CRUZ JUAN & JESSICA BLANCO FAMILY TRUST 3-2-2023	9805 MANDALE ST	BELLFLOWER	CA	90706
ESKEW ELDON E & KAREN E TRUST 7-20-00	680 S 20TH AVE	YUMA	AZ	85364
FRYE ELVA I	683 S 21ST AVE	YUMA	AZ	85364
JOZA PROPERTIES LLC	1744 S 36TH DR	YUMA	AZ	85364
LERMA PAUL	685 S 21ST AVE	YUMA	AZ	85364
LIVELY BEVERLY J	676 S 20TH AVE	YUMA	AZ	85364
MTMM LLC	1700 S 1ST AVE STE 200	YUMA	AZ	85364
QUINTERO ANDRES &	681 S 21ST AVE APT A	YUMA	AZ	85364
REALTYNET AZ LLC	PO BOX 1017	CHARLOTTE	NC	28201
RIOS ROSA	688 S 20TH AVE	YUMA	AZ	85364
SADIK FAMILY TRUST 4-18-2024	1744 S 36TH DR	YUMA	AZ	85364
SHARPENSTEEN AMANDA J & CLAUDE K	740 S 24TH AVE	YUMA	AZ	85364
SILVA ROMAN O	697 S 21ST AVE	YUMA	AZ	85364
YOUNG AVELINA	689 S 21ST AVENUE	YUMA	AZ	85364
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
YUMA ELEMENTARY SCHOOL DISTRICT #1	450 W 6TH ST	YUMA	AZ	85364

**ATTACHMENT G
NEIGHBOR MAILING**

This is a request by Bob Woodman, on behalf of Café Main Street Properties, to rezone approximately 4.18 acres from the High Density Residential (R-3) District to the General Commercial (B-2) District, for the property located west of the W. 7th Street and S. 21st Avenue intersection, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-43538-2024**

PUBLIC HEARING
02/24/2025@ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of the northwest corner of west of the W. 7th Street and S. 21st Avenue, Yuma, AZ, you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Erika Peterson by phone at (928) 373-5000 ext. 3071 or by email at Erika.Peterson@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO



ORDINANCE NO. O2025-009

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 HIGH DENSITY RESIDENTIAL (R-3) DISTRICT TO THE GENERAL COMMERCIAL (B-2) 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 February 24, 2025 in Zoning Case No: ZONE- 43538-2024 in the manner prescribed by law for the purpose of rezoning approximately 4.18 acres of real property hereafter described to the General Commercial (B-2) 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 January 31, 2025; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE- 43538-2024 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:

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

*Lot 1 as per “**Pecan Garden Estates Subdivision**” plat as recorded in the Yuma County Recorder’s Office, Yuma County, Yuma Arizona, in Book 28, Page2. Fee# 2015-21970, Dated: 9-30-2015.*

Containing 181,905 square feet or 4.1760 acres more or less.

shall be placed in the General Commercial (B-2) 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 General Commercial (B-2) 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 General Commercial (B-2) District.

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

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner's signature on the application for this land use action shall constitute a waiver of any claims for diminution in value pursuant to A.R.S. § 12-1134.
3. In lieu of a Traffic Impact Statement/Study, the owner can furnish a statement of the number and times of the trips in/out by buses and/or vans as well as the number of people who will drive to location, park and transfer to the buses and/or vans. Also included in this statement should be how the owner will accommodate parking for those people who drive to/from the location daily for work. Owner will also agree to have a Traffic Impact Study done in the future, if the owner decides to change to standard multifamily housing. Owner will also agree to pay for improvements recommended in the study, should the project convert to standard multifamily housing in the future.

SECTION 3: With the exception of Condition 2, 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 time frame, then the rezone shall be subject to A.R.S. § 9-462.01.

Adopted this _____ day of _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

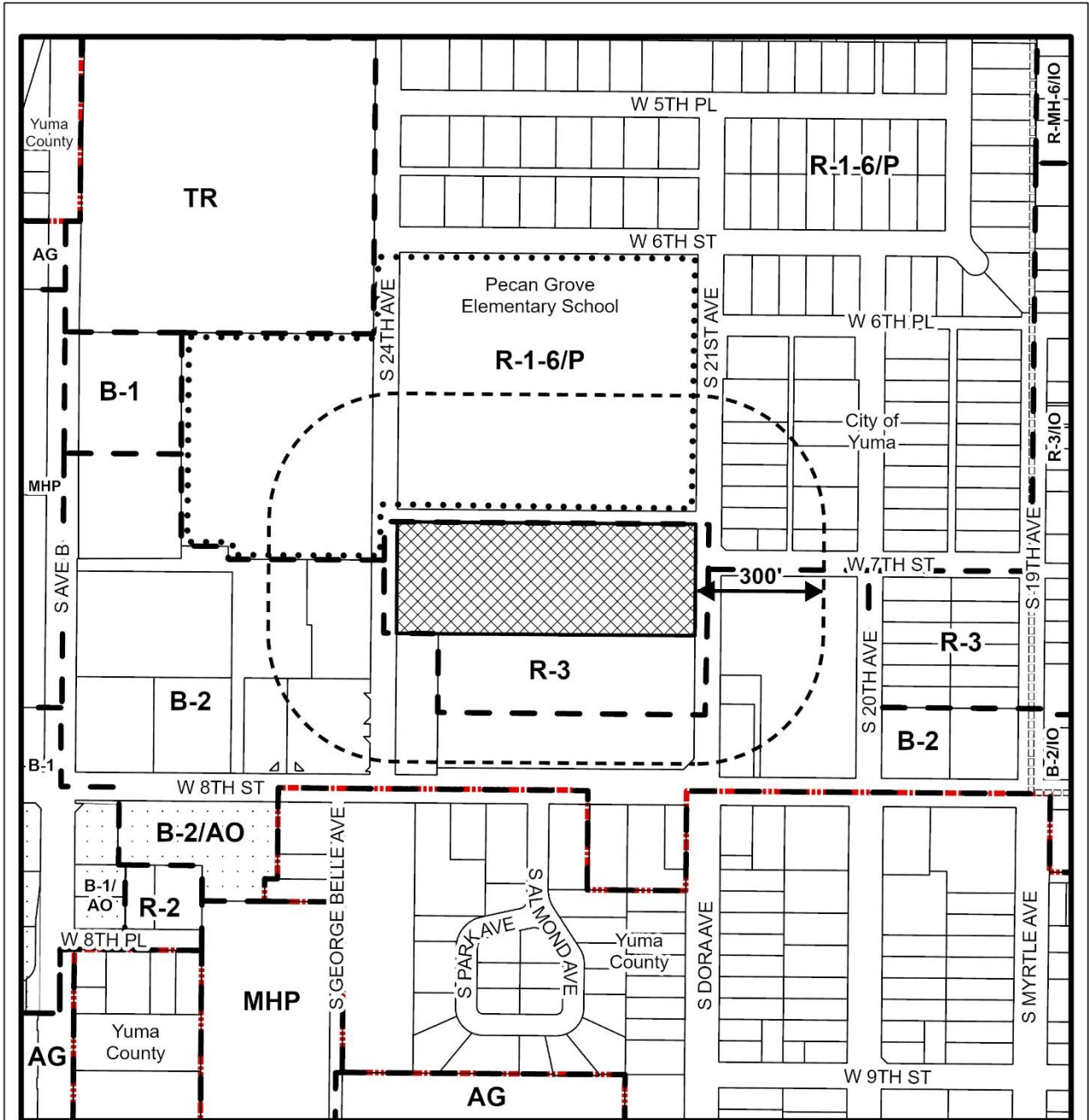
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney

Exhibit A



LOCATION MAP



LOCATION OF SUBJECT PROPERTY

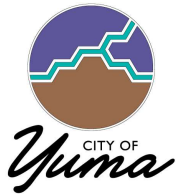


Prepared by: DG
Checked by: EP



Date: 12/26/2024
Revised:
Revised:

Case #:
ZONE-43538-2024



City of Yuma

City Council Report

File #: O2025-010

Agenda Date: 4/2/2025

Agenda #: 3.

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: Calle Ocho Properties, LLC

SUMMARY RECOMMENDATION:

Rezone approximately 2.5 acres located at 764 S. 21st Avenue, Yuma, AZ from the High Density Residential (R-3) District to the General Commercial (B-2) District. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

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

REPORT:

The subject property is located at 764 S. 21st Avenue and is approximately 4.3 acres. However, the requested rezone only relates to a portion of the property, approximately 2.5 acres as shown in Exhibit A attached to the proposed ordinance. Annexed into the City of Yuma on February 2, 1954, the property was recently the subject of a General Plan Amendment to change the designated land use from Low Density Residential to Commercial.

The property currently has two zoning designations: High Density Residential (R-3) and General Commercial (B-2). With this request the applicant is seeking to rezone 2.5 acres, a portion of the property, from the High Density Residential (R-3) District to the General Commercial (B-2) District resulting in a single zoning designation. The site is currently developed with 21 buildings, these buildings include company housing units, a garage, and an indoor recreation facility/laundry area. There are no plans to add additional buildings to the site, although new and future development will be required to meet City of Yuma development standards of the General Commercial (B-2) District.

The request to rezone the property from the High Density (R-3) District to the General Commercial (B-2) District conforms with the General Plan as requested by the applicant. That General Plan amendment will be heard was approved by City Council on February 19, 2025.

On February 24, 2025, the Planning and Zoning Commission voted 4-0 to recommend approval of the request to rezone the approximate 2.5 acres from the High Density Residential (R-3) District to the General Commercial (B-2) District for the property located at 764 S. 21st Avenue intersection, Yuma, AZ, 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 - EXCERPT FROM PLANNING AND ZONING COMISSION MEETING MINUTES:

Erika Peterson, Senior Planner summarized the staff report and recommended APPROVAL.

QUESTIONS FOR STAFF

None

APPLICANT/APPLICANT’S REPRESENTATIVE

None

PUBLIC COMMENT

None

“Motion by Loraine Arney, Planning and Zoning Commissioner second by Chelsea Malouff-Craig, Planning and Zoning Commissioner to APPROVE ZONE-43539-2024 as presented.

“Motion carried unanimously, (4-0) with two absent and one vacancy.’

Planning and Zoning Staff Report - Attached

FISCAL REQUIREMENTS:

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

TOTAL \$ 0.00

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

FISCAL IMPACT STATEMENT:

NOT APPLICABLE

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: 03/25/2025
Reviewed by City Attorney: Richard W. Files	Date: 03/23/2025



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

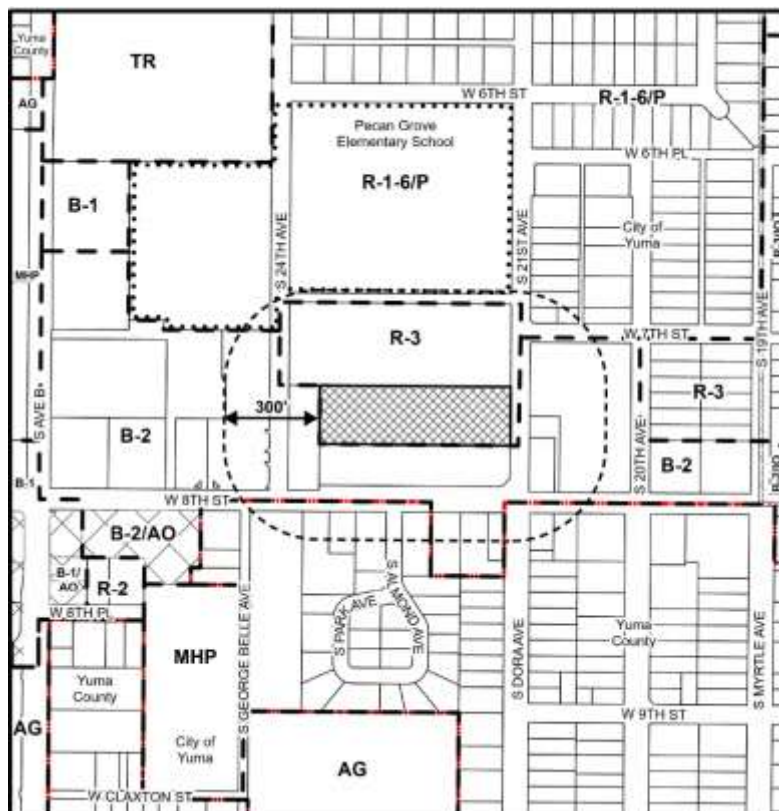
Hearing Date: February 24, 2025

Case Number: 43539-2024

Project Description/ Location: This is a request by Bob Woodman, on behalf of Calle Ocho Properties, to rezone approximately 2.5 acres from the High Density Residential (R-3) District to the General Commercial (B-2) District, for a portion of the property located at 764 S. 21st Avenue, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	High Density Residential (R-3) and General Commercial (B-2)	Company Housing	Low Density Residential
North	High Density Residential (R-3)	Undeveloped	Low Density Residential
South	General Commercial (B-2) and Yuma County Limited Commercial (C-1)	Retail, Storage, Restaurant, Barbershop	Medium Density Residential
East	General Commercial (B-2)	Desert Palms MH & RV Park	Low Density Residential
West	General Commercial (B-2)	Family Dollar	Commercial

Location Map



Prior site actions: Annexation Ord. 605, February 2, 1954; Rezone Ord. 984 (Bus. B to Bus. B/Res. A); Subdivision Lot Tie Northwest Corner of 8th Street and S. 21st Avenue, Fee No. 2020-08044; Pre-Development Meeting: September 26, 2024; General Plan Amendment to Commercial to heard by City Council February 19, 2025

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning from the High Density Residential (R-3) District to the General Commercial (B-2) District, subject to the conditions shown in Attachment A.

Suggested Motion: Move to **APPROVE** Rezone ZONE- 43539-2024 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 approximately 2.5 acres from the High Density Residential (R-3) District to the General Commercial (B-2) District for a portion of the property located at 764 S. 21st Avenue, Yuma, AZ, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

Staff Analysis: The subject property is located at 764 S. 21st Avenue and is approximately 4.3 acres. However, the requested rezone only relates to a portion of the property, approximately 2.5 acres as indicated. Annexed into the City of Yuma on February 2, 1954, the property was recently the subject of a General Plan Amendment to change the designated land use from Low Density Residential to Commercial.

The property currently has two zoning designations: High Density Residential (R-3) and General Commercial (B-2). With this request the applicant is seeking to rezone 2.5 acres, a portion of the property, from the High Density Residential (R-3) District to the General Commercial (B-2) District resulting in a single zoning designation. The site is currently developed with 21 buildings, these buildings include company housing units, a garage, and an indoor recreation facility/laundry area. There are no plans to add additional buildings to the site, however, new and future development will be required to meet City of Yuma development standards of the General Commercial (B-2) District.

The request to rezone the property from the High Density (R-3) District to the General Commercial (B-2) District conforms with the General Plan as requested by the applicant. That General Plan amendment will be heard by the City of Yuma City Council on February 19, 2025.

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

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

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
21 st Avenue-Local Road 2 Lanes	29 FT HW	30 FT HW				
8 th Street- Minor Arterial 4 Lanes	50 FT HW	40 FT HW		X		X
Bicycle Facilities Master Plan	8 th Street- Proposed bike lane, 21 st Avenue- Proposed bike route					
YCAT Transit System	8 th Street at Avenue B and 8 th Street at Magnolia- 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: Kiwanis Park			Future: Kiwanis Park			
Community Park:	Existing: Carver Park Complex			Future: Carver Park Complex			
Linear Park:	Existing: West Main Canal Linear Park			Future: Thacker Lateral 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 2018-2022 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; 2020 Conservation Plan Water demand: 207 gallons/day/person; Wastewater generation: 70 gallons per day per person	Dwellings & Type		Projected Population	Police Impact	Water Consumption		Wastewater Generation
	<i>Non-residential</i>				Officers	GPD	
	Maximum	Per Unit	0	0		0	
	Minimum		0	0.00	0	0.0	0
Fire Facilities Plan:	Existing: Fire Station No. 4			Future: Northwest Valley			
Water Facility Plan:	Source:	City	X	Private	Connection:	6" AC line on S. 21 st Avenue	
Sewer Facility Plan:	Treatment:	City	X	Septic	Private	Connection: 8" VCP line in parcel	
Issues:	None						
Safety Element:							
Flood Plain Designation:	500 Year Flood		Liquefaction Hazard Area:		Yes	No	X
Issues:	None						
Growth Area Element:							
	Araby Rd & Interstate 8		Arizona Ave & 16 th St		Avenue B & 32 nd St.		

Growth Area:	North End		Pacific Ave & 8 th St		Estancia		None	X	
Issues:	None								

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

Yes.

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

Yes.

Public Comments Received: None Received.

External Agency Comments: See Attachment C

Neighborhood Meeting Comments: No Meeting Required.

Proposed conditions delivered to applicant on: 1/30/2025

Final staff report delivered to applicant on: 2/10/2025

- Applicant agreed with all of the conditions of approval on: (enter date)
- Applicant did not agree with the following conditions of approval: (list #'s)
- Conditions of approval were emailed to the applicant on 1/30/2025 and we staff is currently awaiting a response.

Attachments

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

Prepared By: *Erika Peterson* **Date:** 1/29/2025

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

Reviewed By: *Jennifer L. Albers* **Date:** 2/3/25

Jennifer L. Albers
Assistant Director of Planning

Approved By: *Alyssa Linville* **Date:** 02/11/2025

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, Erika Peterson, Senior Planner, (928) 373-5000 x3071

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
AGENCY NOTIFICATIONS**

- Legal Ad Published: The Sun 1/31/2025
- 300' Vicinity Mailing: 1/6/2025
- 34 Commenting/Reviewing Agencies noticed: 1/9/2025
- Site Posted on: 2/18/2025
- Neighborhood Meeting: N/A
- Hearing Date: 2/24/2025
- Comments due: 1/20/2025

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	1/9/2025	X		
Yuma County Engineering	NR				
Yuma County Public Works	YES	1/9/2025	X		
Yuma County Water Users' Assoc.	YES	1/10/2025	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona 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	1/13/2025	X		
Ft. Yuma Quechan Tribe	YES	1/9/2025	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	1/13/2025	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	1/20/2025	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT C
AGENCY COMMENTS

COMMENT NO COMMENT

Enter comments below:

On behalf of Yuma Elementary School District #1, I oppose this proposal for rezoning. District #1's western sector has been negatively impacted over the past several years by developments in the housing industry. 1) The H2A Visa Program has resulted in approximately 1300 housing units being taken off the market for company housing, forcing families out of the area. 2) Code requirements relative to properties formerly under county jurisdiction have resulted in the inability for developers to reintroduce housing in any affordable way. Case in point is the area south of 8th Street and George Bell Road. 3) Yuma, like the rest of the state and nation, has a shortage of affordable housing, and the development in the Foothills area is not making that problem any better.

Rezoning from R-3 to B-2 will only serve to accelerate the trend that has led to declining enrollment in our neighborhood schools and an overall shortage of affordable housing in the city's traditional core.

DATE: NAME: James Sheldahl TITLE: Superintendent

AGENCY: Yuma Elementary School District #1

PHONE: 928-502-4300

RETURN TO: Erika Peterson
Erika.Peterson@YumaAZ.gov

COMMENT NO COMMENT

Enter comments below:

I oppose the proposal for rezoning. Our Pecan Grove and Carver neighborhoods are in need of affordable housing for families that will be a part of our community year round. Unfortunately, when areas are rezoned and company housing is built, it leaves parts of the community vacant for half the year. Having year round residents provides businesses in our communities with year round customers and a more predictable source of income. In addition to supporting our local economy, it provides a reliable workforce to draw from. Our schools and local businesses have many entry level positions that are better served when potential employees have shorter commutes and are already embedded in our community. Lastly, the continual rezoning to allow for company housing is driving down the enrollment in our neighborhood schools, which serve as hubs in our community to support families and provide resources.

DATE: 1/16/25 NAME: Matt Buckley TITLE: Principal

AGENCY: Carver Elementary School

PHONE: 928 502 7600

RETURN TO: Erika Peterson
Erika.Peterson@YumaAZ.gov

1/14/2025

TO: Jamie Sheldahl
Yuma Elementary School District #1

CO: Erika Peterson
City of Yuma


FROM: Bob Woodman

This letter is in response to the comments from Mr. Sheldahl of Yuma Elementary School District. In the order of the comments: 1) the construction of the proposed complex will provide housing for approximately 780 employees. This should vacate 130 apartments that the owners currently lease throughout Yuma. Hopefully this will place those units back on the market for lease. 2) Company housing does not affect Code Requirements, the construction of company housing must comply with all requirements and building codes of the City of Yuma and the Department of Labor. 3) Affordable Housing is a problem throughout Yuma and the nation. This problem is entirely related to the cost of materials, cost of land, labor increases and utility costs. In the construction of Company Housing, these projects are burdened with these same increases.

In closing, the rezoning from R-3 to B-2 will not change affordable housing needs in Yuma. The intended use was an allowed use in both zoning districts. The ag industry in Yuma also suffers from the lack of housing. This project is designed to accommodate the needs of ag industry and the lack of housing for their employees.

Reply from James Sheldahl dated 1/14/2025:

From: James Sheldahl <jsheldahl@yuma.org>
Sent: Tuesday, January 14, 2025 2:43 PM
To: Erika Peterson
Subject: Re: Zone 43438-2024 & Zone 43539-2024 Comments

 **CAUTION:** External Email

Thank you for clarification on this request. I did not realize that company housing was zoned commercial, rather than residential. I would welcome an opportunity to visit with Mr. Woodman to gain a broader understanding of the project and the potential downstream benefits.

Sincerely,
Jamie

**ATTACHMENT D
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code		
AGREE CENTRAL LLC	32301 WOODWARD AVE	ROYAL OAK	MI	48073
CAFE MAIN STREET PROPERTIES LLC	PO BOX 2613	SALINAS	CA	93902
CALLE OCHO PROPERTIES LLC	1582 MOFFETT ST STE G	SALINAS	CA	93905
CARDIEL MARIA R	495 W 20TH ST	YUMA	AZ	85364
CHERNEK FRANCIS STEVEN & KATHLEEN JT	2554 W 16TH ST PMB 225	YUMA	AZ	85364
DAISY BLAIR RV PARK	534 E LAUREN ASHLEY PL	ORO VALLEY	AZ	85737
DE LA CRUZ JUAN & JESSICA BLANCO FAMILY TRUST 3-2-2023	9805 MANDALE ST	BELLFLOWER	CA	90706
GARRIDO ANSELMO DIAZ & GEORGINA LOPEZ CPWROS	2007 W 8TH ST	YUMA	AZ	85364
JACOBSON DEV CO	1334 S 5TH AVE	YUMA	AZ	85364
JACOBSON DEVELOPMENT CO AZ CORP	1334 S 5TH AVE	YUMA	AZ	85364
JOO JOON H	18446 N 75TH AVE	GLENDALE	AZ	85308
JOZA PROPERTIES LLC	1744 S 36TH DR	YUMA	AZ	85364
REALTYNET AZ LLC	PO BOX 1017	CHARLOTTE	NC	28201
ROSKO HOLDINGS AZ LLC	13169 S AVE 4 1/2 E	YUMA	AZ	85365
ROSKO HOLDINGS LLC	13169 S AVE 4 1/2 E	YUMA	AZ	85365
SADIK FAMILY TRUST 4-18-2024	1744 S 36TH DR	YUMA	AZ	85364
SCARBOROUGH ROBERT T & ZUNELDA M TRUST 5-10-2011	3325 S 14TH AVE	YUMA	AZ	85365
SHARPENSTEEN AMANDA J & CLAUDE K	740 S 24TH AVE	YUMA	AZ	85364
SHAY OIL CO INC	PO BOX 1249	YUMA	AZ	85366
SILVA ROMAN O	697 S 21ST AVE	YUMA	AZ	85364
VALLEY CHURCH OF CHRIST	897 W 35TH PL	YUMA	AZ	85365
YOUNG AVELINA	689 S 21ST AVENUE	YUMA	AZ	85364
YUMA CITY OF	ONE CITY PLAZA	YUMA	AZ	85364
YUMA ELEMENTARY SCHOOL DISTRICT #1	450 W 6TH ST	YUMA	AZ	85364

**ATTACHMENT E
NEIGHBOR MAILING**

This is a request by Bob Woodman, on behalf of Calle Ocho Properties, to rezone approximately 2.5 acres from the High Density Residential (R-3) District to the General Commercial (B-2) District, for a portion of the property located at 764 S. 21st Avenue, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
ZONE-43539-2024**

PUBLIC HEARING
02/24/2025@ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of 764 S. 21st Avenue, Yuma, AZ, you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments, please contact Erika Peterson by phone at (928) 373-5000 ext. 3071 or by email at Erika.Peterson@YumaAz.gov

ATTACHMENT F
AERIAL PHOTO



ORDINANCE NO. O2025-010

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 HIGH DENSITY RESIDENTIAL (R-3) DISTRICT TO THE GENERAL COMMERCIAL (B-2) 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 February 24, 2025 in Zoning Case No: ZONE- 43539-2024 in the manner prescribed by law for the purpose of rezoning approximately 2.34 acres of real property hereafter described to the General Commercial (B-2) 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 January 31, 2025; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission to approve the rezoning in Case No: ZONE- 43539-2024 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:

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

The North 170.00'± feet of Parcel 1 as per “Calle Ocho Lot Tie” plat as recorded in the Yuma County Recorder’s Office, Yuma County, Yuma Arizona, in Book 31, Page57. Fee# 2020-08044, Dated: 3-12-2020.

Containing 102,000.02 square feet or 2.34 acres more or less.

shall be placed in the General Commercial (B-2) 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 General Commercial (B-2) 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 General Commercial (B-2) District.

SECTION 2: That the following conditions (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: With the exception of Condition 2, 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 time frame, then the rezone shall be subject to A.R.S. § 9-462.01.

Adopted this _____ day of _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

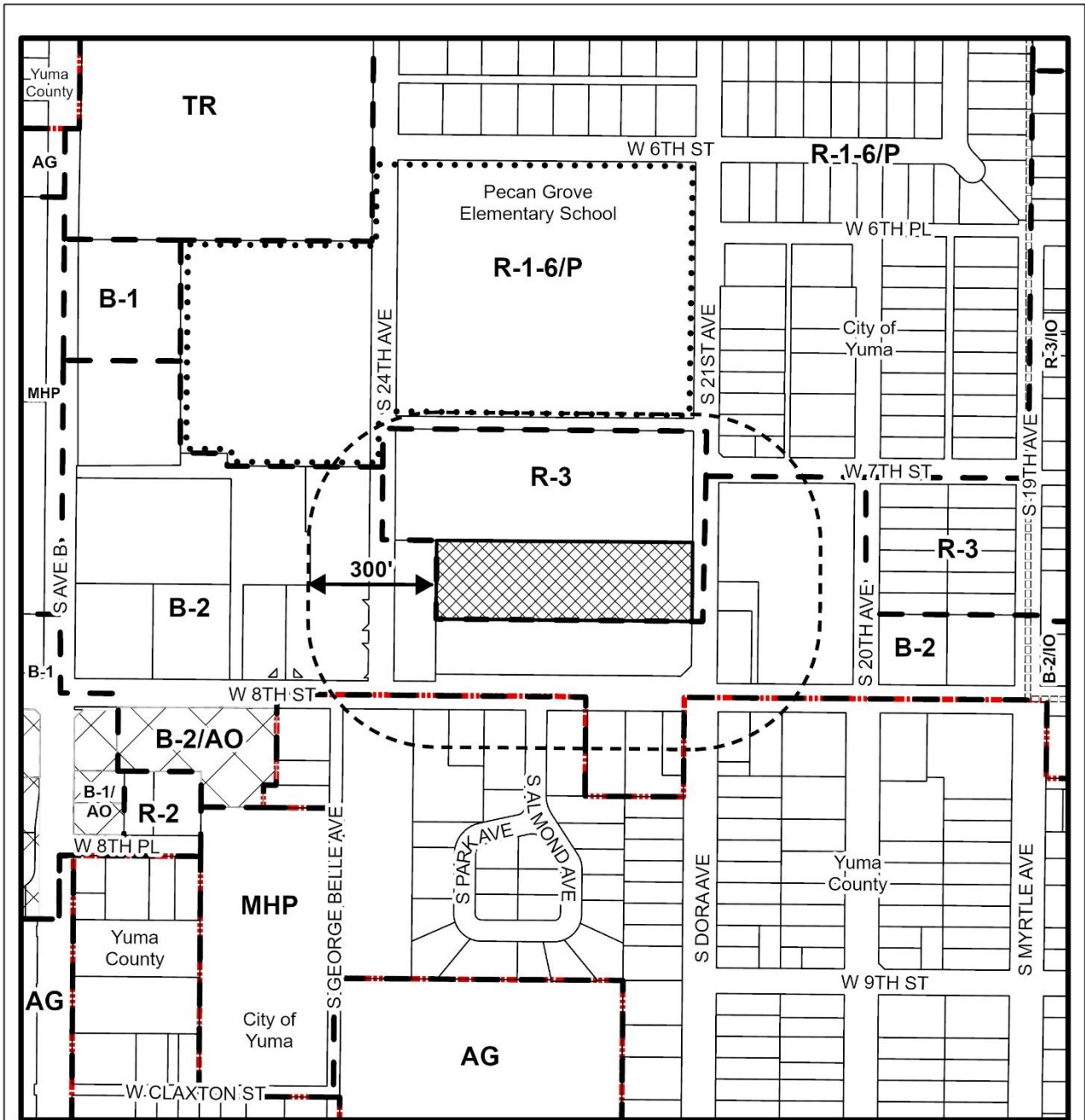
ATTESTED:

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: EP



Date: 12/26/2024
Revised:
Revised:

Case #:
ZONE-43539-20241



City of Yuma

City Council Report

File #: O2025-011

Agenda Date: 4/2/2025

Agenda #: 1.

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

TITLE:

Statutory Compliance Hearing/Amendment: Ordinance O2003-12

SUMMARY RECOMMENDATION:

Pursuant to A.R.S. § 9-462.01, determine compliance with the conditions of approval for rezoning Ordinance O2003-12, and introduce an ordinance to amend O2003-12 to remove conditions and extend the time to comply with the rezoning conditions. (Planning and Neighborhood Services/Community Planning) (Alyssa Linville)

STRATEGIC OUTCOME:

This statutory compliance hearing and ordinance will validate the zoning for commercial development that will be responsibly constructed, meeting all codes and requirements. This statutory compliance hearing furthers the City Council’s strategic outcomes of Safe and Prosperous and Respected and Responsible.

REPORT:

On March 19, 2003, the City Council adopted Ordinance O2003-12, authorizing the property located at 5574 E. 32nd Street, Yuma, Arizona, to be rezoned from the Agriculture (AG) District to the Limited Commercial (B-1) District. Ordinance O2003-12 required that the following conditions of approval be completed within three (3) years of approval:

1. A one-foot (1') non-access easement shall be provided over the entire 32nd Street frontage with the exception of any access approved by the Department of Community Development.
2. A Traffic Impact Analysis (traffic study) shall be conducted in accordance with City of Yuma Construction Standard No. 2-100 and the latest edition of the ADOT Traffic Impact Analysis for the proposed development. All suggested improvements outlined by the Traffic Impact Analysis shall be constructed by the applicant.
3. A raised median covenant shall be recorded on the property that acknowledges that medians are anticipated to be constructed within 32nd Street adjacent to the property, which may limit left turning movements into and out of the site.
4. The applicant/developer shall make a contribution for the traffic signal at the intersection of Avenue 5 1/2E and 32nd Street in the amount of \$1,020, which is equivalent to \$200.00 per acre.

5. The south half of the 'B' Canal, approximately forty-six feet (46'), along the north property line shall be dedicated to the City of Yuma, by plat or by warranty deed, to facilitate the future development of the linear park.
6. One hundred foot (100') half-width roadway easement for 32nd Street shall be converted into fee title right-of-way dedicated to the City of Yuma.
7. Each of the conditions listed above shall be completed within three (3) years of the effective date of the rezoning ordinance or as provided for in a development agreement. In the event the conditions are not completed within this time frame, the applicable rezoning shall be null and void.

The property was rezoned as a single zoning case (Z2002-17) in which conditional zoning to the Limited Commercial (B-1) District was approved, based upon the completion of seven conditions of approval within three years. The property owner did not complete all the necessary conditions of approval and as a result, the zoning expired.

While Conditions #1 and #3 were completed with the recording of Fee #2007-07672 & 07673, several other conditions are either no longer necessary, will be met in an alternative manner, or need to be addressed during the actual development of the ultimate commercial project. Condition #5 would remain as is.

It is requested that Condition #4 be removed as this type of exaction was replaced with Citywide-adopted Impact Development Fees which will be assessed at the time of building permit issuance, and Condition #2 be reworded to require that a determination of the need for a Traffic Impact Analysis be reviewed at the time of actual development, and Condition #6 be reworded to reflect updated right-of-way exchange and dedication policies along 32nd Street, and the length of time to comply with the conditions be extended from three years to twenty-seven years. This would extend the conditional zoning to March 19, 2030 which is five years from the present- giving the developer sufficient time to formulate their ultimate commercial use for the property.

The revised Conditions #2, #6, & #7 would be as follows:

2. A Traffic Impact Analysis (traffic study) shall be conducted in accordance with City of Yuma Construction Standard No. 2-100 and the latest edition of the ADOT Traffic Impact Analysis for the proposed development. **will be required at the time of development if the proposed development meets the thresholds/requirements of City Standard 2-040.** All suggested improvements outlined by the Traffic Impact Analysis shall be constructed by the applicant.
6. One hundred foot (100') half-width roadway easement for 32nd Street shall be converted into fee title right-of-way dedicated to the City of Yuma-; **then implement a right-of-way exchange agreement, with the City of Yuma keeping the south 80 feet and abandoning the north 20 feet to the adjacent property while reserving an easement for any utilities in that 20 feet.**
7. Each of the conditions listed above shall be completed within ~~three (3)~~ **twenty-seven (27)** years of the effective date of the rezoning ordinance or as provided for in a development agreement. In the event the conditions are not completed within this time frame, the applicable rezoning shall be null and void.

DETERMINATION:

Arizona Revised Statutes § 9-462.01(E) states that if the time for completion of a condition has expired, the City shall notify the owner, schedule a public hearing, and take administrative action to "extend, remove, or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification." In this case, the property owner agrees with the proposed changes to

the conditions, and still wants the property rezoned to the Limited Commercial (B-1) District, as they are ready to proceed with the development of a commercial project,

RECOMMENDATION:

At the close of the public hearing, staff recommends that City Council introduce the attached ordinance which amends Ordinance O2003-12 by removing Condition #4, revising Conditions #2 and 6, and extending the deadline to comply with the conditions of approval for the rezone from three years to twenty-seven years.

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:

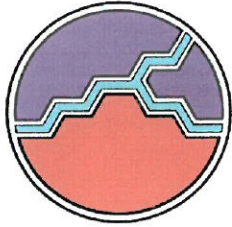
SUPPORTING DOCUMENTS NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT ARE ON FILE IN THE OFFICE OF THE CITY CLERK:

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: 03/25/2025
Reviewed by City Attorney: Richard W. Files	Date: 03/23/2025



STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
CASE #: Z2002-017
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING – CASE REVIEW TEAM

Hearing Date: January 13, 2003

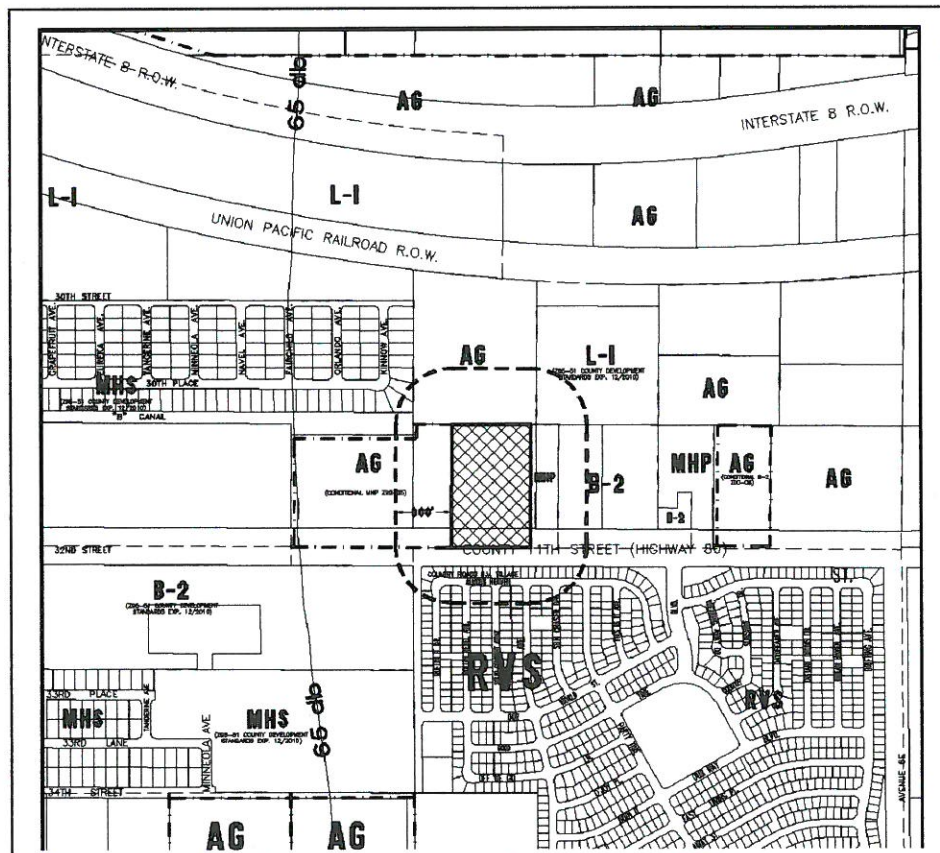
Project Planner: Scott Langford, Assistant Planner (928) 373-5000 Ext: 3039

E-mail: Scott.Langford@ci.yuma.az.us

Project Description: This is a request by Nicklaus Engineering on behalf of the Perry Trust to rezone property from the Agriculture (AG) District to the Limited Commercial (B-1) District. The property is located at 5574 E. 32nd Street, Yuma, AZ.

Staff Recommendation: Staff recommends **APPROVAL** of the rezoning of the property from the Agriculture (AG) District to the Limited Commercial (B-1) District, subject to the conditions outlined on Attachment B.

LOCATION MAP



I. PROJECT DATA

Project Location:	5574 E. 32 nd Street, Yuma, AZ.
Parcel Number(s):	112-13-028
Address:	5574 E. 32 nd Street, Yuma, AZ.
Applicant:	Perry Trust
Applicant's Agent:	Nicklaus Engineering
Zoning of the Site:	Agriculture
Existing Land Use(s) on the Site:	Vacant
Surrounding Zoning and Land Uses:	
○ North:	Zoned AG; Vacant
○ South:	Zoned RVS; R.V. Subdivision (Country Roads)
○ East:	Zoned MHP; Last Resort RV Park
○ West:	Zoned Cond. MHP; AZ Sands RV Park
Related Actions or Cases:	
Land Division Status:	Parcel is a legal lot of record.
Flood Plain Designation:	Zone "B"

II. GENERAL PLAN

Land Use Plan	Mixed Use		
Circulation Element:	<u>Planned</u>	<u>Existing</u>	<u>Needed</u>
Expressway: 32 nd Street	100' H/W ROW	100' H/W ROW	0' H/W ROW
Raised Median Covenant	Yes	No	Yes
Parks and Recreation Element:			
Nearest Neighborhood Park:	Wal-mart Park		
Nearest Area Park:	Kennedy Park		
Nearest Linear Park:	"B" Canal Linear Park (Proposed)		
Water:	16" ACP within 32 nd Street		
Sewer:	N/A		
Fire Facilities Plan:			
Existing:	Fire Station #5		
Proposed:	Fire Station #5		
Bicycle Element	N/A		

III. SCHOOLS

School District:	YSD #1
------------------	--------

IV. PRO RATA

Pro Rata Area: Per Acre Fee	N/A
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PUBLIC NOTICES:

Legal Ad Published: Yuma Sun on December 27, 2002

300' Vicinity Mailing Deadline: December 23, 2002

Site Posted: N/A

COMMENTING/REVIEWING AGENCIES

30 agencies/people were notified on December 6, 2002. Comments were due on December 16, 2002.

Agency/Person Notified	Response Received	Date Received	"No Comment" response	Written Comment (attached)
<i>External List</i>				
Yuma County Airport Authority	No	NR		
Yuma County Engineering Division	No	NR		
Yuma County Public Works	No	NR		
Yuma County Water Users	No	NR		
Yuma County P & Z	No	NR		
Arizona Public Service	No	NR		
Adelphia Communications	Yes	12/16/2002	X	
Southwest Gas	No	NR		
Qwest Communications	No	NR		
MCAS / C P & L Office	Yes	12/18/2002	X	
Bureau of Land Management	No	NR		
YUHS District #70	No	NR		
Yuma Elementary School District #1	No	NR		
Crane School District #13	No	NR		
AZ Dept of Transportation	Yes	12/19/2002		X
Yuma Irrigation District	No	NR		
Arizona Fish & Game Dept.	No	NR		
USDA-NRCS	No	NR		
YMPO	Yes	12/13/2002		X
<i>Internal List</i>				
Ray Urias, Asst. City Attorney	Yes	12/16/2002	X	
Bob Stull, Finance Director	No	NR		
Mike Erfert, Police Department	Yes	12/15/2002	X	
Ray Duran, Community Policing	No	NR		
Ron Ramirez, Parks	Yes	12/13/2002	X	
Andrew McGarvie, Engineering	No	NR		
Doug Hipp, Engineering	Yes	12/16/2002		X
Art Castricone, Fire Marshall	Yes	12/17/2002	X	
John Curts, Econ Dev	Yes	12/12/2002	X	
Larry Nichols, Chief Building Official	Yes	12/18/2002	X	
Paul Brooberg – Public Works	No	NR		
Fred Orcutt, Traffic Engineer	Yes	12/13/2002		X
<i>NR=None Received</i>				

RESPONSES FROM THE PUBLIC:

No Comment

BACKGROUND AND DESCRIPTION OF THE SITE:

The property consists of approximately 2.27 acres with frontage on 32nd Street. The site is currently vacant. The applicant is requesting that the property be rezoned from the Agriculture District to the Limited Commercial (B-1) District. This parcel was annexed into the city on August 7, 1999 (#O99-043). Prior to annexation the property was zoned "C-2" in the County. Future development plans are uncertain at this point, but may include construction of retail sales, restaurant and/or office space.

Analysis:

With the increased development of the 32nd Street corridor, the request to rezone the property from the Agriculture District to the Limited Commercial District is in conformance to the current surrounding land uses.

The Land Use Plan element in the City of Yuma General Plan indicates that this parcel is categorized as a Mixed Use designation. The proposal to rezone the property to the Limited Commercial District is an allowed District within this designation. Therefore the applicant's request for rezoning is in conformance with the General Plan and surrounding land use.

32nd Street

The Major Roadways Plan identifies 32nd Street as an expressway, which requires at least a half width right-of-way of one hundred feet (100') adjacent to the property. Currently, a one hundred foot (100') half width road easement exists adjacent to the property and Staff recommends that the underlying property ownership of this easement be dedicated to the City.

In accordance with the Major Roadways Plan limited access points are recommended to control and direct traffic accordingly. Therefore, a one-foot (1') non-access easement is recommended to be provided over the entire 32nd Street.

The City standards allow for center-raised medians on major streets that may limit left turning movements into and out of the site. Therefore, it is recommended that a raised median covenant be recorded on the property that acknowledges that medians may be constructed within 32nd Street adjacent to the property.

At such time as the property is developed as a commercial use, there shall be adequate screening between the commercial use(s) and the adjacent residential uses as per section 154-218 (E) of the City Code.

Street Improvements

A traffic signal is planned to be installed at the intersection of Avenue 51/2 E and 32nd Street, therefore a contribution towards the signal at \$200.00 per acre will be required from the property owners or developers, resulting in a cost of approximately \$1,080.

A traffic impact study will be required when development occurs on this property based on construction standard 2-100 and performed in accordance with the ADOT Traffic Manual Section 240 for any category 1 or larger development. Items identified in said traffic impact study shall be designed, constructed, and financed by the applicant. No compensation shall be provided to the applicant/developer by the City of Yuma for those identified items.

All access from the state highway system shall be obtained through the ADOT encroachment permit process.

PARKS AND RECREATION:

In accordance with the City of Yuma Parks and Recreation Element, a linear park is designated in the Parks and Recreation's build out plan along the B Canal which will develop a Linear Park and a trail system, for walking and cycling along the B Canal from Avenue 4E to Avenue 7E. Therefore, Staff recommends that forty-six feet (46') be dedicated on the north side of the property line that runs adjacent to the B Canal to the City of Yuma, Arizona.

MEETINGS/DISCUSSIONS WITH APPLICANT:

Staff faxed a copy of the staff report to the applicant for their review. The applicant did not have any problems with the conditions of approval. E-mailed Final Draft to Nicklaus Engineering on 12/26/2002.

STAFF RECOMMENDATION:

Staff recommends **APPROVAL** of the rezoning of the property from the Agriculture (AG) District to the Limited Commercial (B-1) District, subject to the conditions outlined on Attachment B, because the request is consistent with the General Plan and is compatible with the surrounding zoning and land uses.


SUGGESTED MOTION:

Motion to **APPROVE** the rezoning from the Agriculture (AG) District to the Limited Commercial (B-1) District, because of the reasons stated in the staff report.

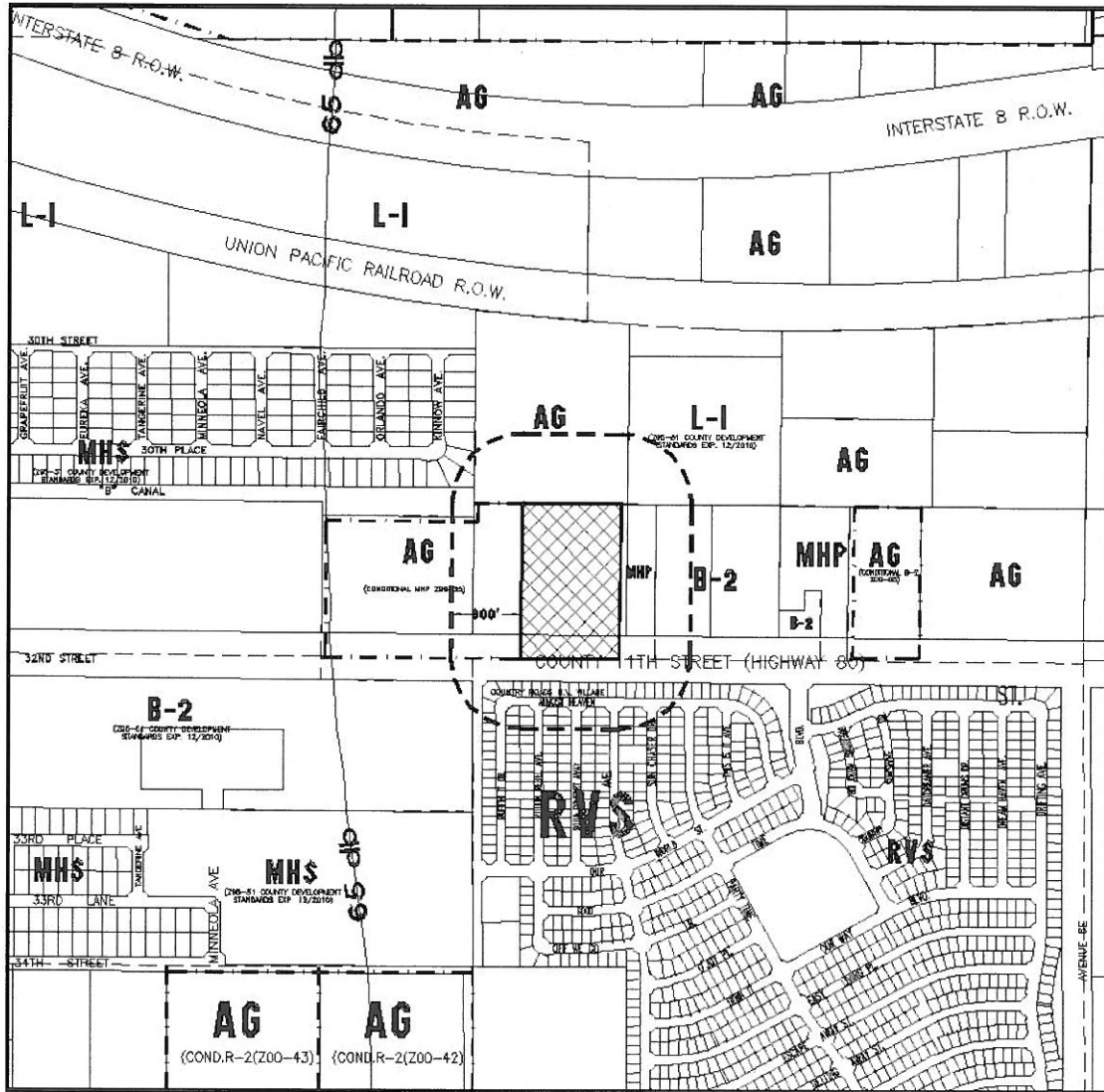
ATTACHMENTS:

- A. Location Map
- B. Conditions of Approval
- C. Aerial Photo (Planning and Zoning Commission Only)

PREPARED BY: 
Date: 12/26/02 Scott Langford

REVIEWED BY: 
Date: 12.26.02 Laurie Lineberry, AICP

ATTACHMENT A LOCATION MAP



LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: *E.G.*
Checked by:



Date: 12-06-02
Revised:
Revised:

Case no.:
Z2002-017

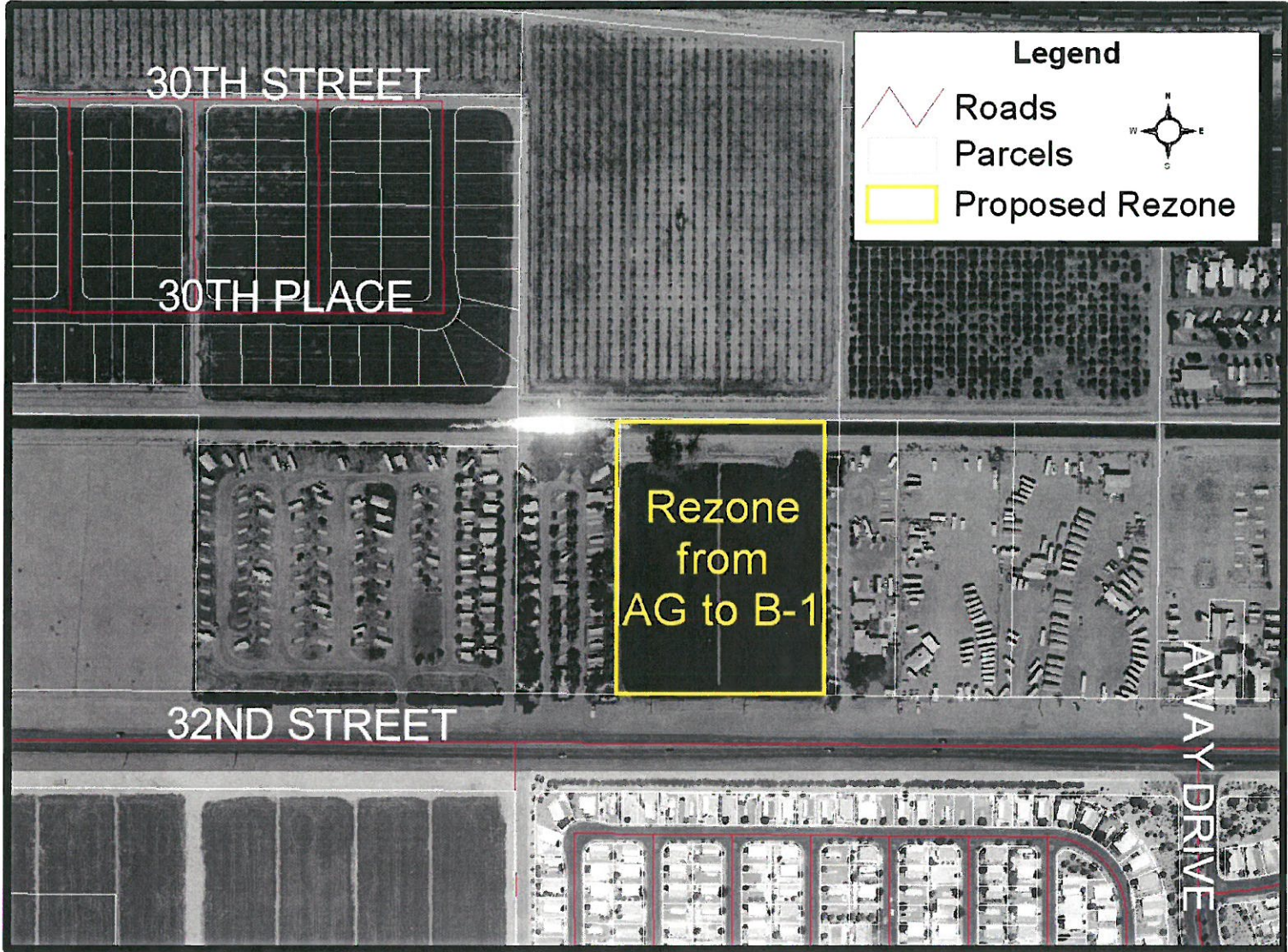
ATTACHMENT B CONDITIONS OF APPROVAL

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:

1. A one-foot (1') non-access easement shall be provided over the entire 32nd Street frontage with the exception of any access approved by the Department of Community Development.
2. A Traffic Impact Analysis (traffic study) shall be conducted in accordance with City of Yuma Construction Standard No. 2-100 and the latest edition of the ADOT Traffic Impact Analysis for the proposed development. All suggested improvements outlined by the Traffic Impact Analysis shall be constructed by the applicant.
3. A raised median covenant shall be recorded on the property that acknowledges that medians are anticipated to be constructed within 32nd Street adjacent to the property, which may limit left turning movements into and out of the site.
4. The applicant/developer shall make a contribution for the traffic signal at the intersection of Avenue 5 ½ E and 32nd Street in the amount of \$1,080, which is equivalent to \$200.00 per acre.
5. The south half of the 'B' Canal, approximately forty-six feet (46'), along the north property line shall be dedicated to the City of Yuma, by plat or by warranty deed, to facilitate the future development of the linear park.
6. One hundred foot (100') half width roadway easement for 32nd Street shall be converted into fee title right-of-way dedicated to the City of Yuma.

Each of the conditions listed above shall be completed within three (3) years of the effective date of the rezoning ordinance or as provided for in a development agreement. In the event the conditions are not completed within this time frame, the applicable rezoning shall be null and void.

ATTACHMENT C
1998 AERIAL PHOTO



ORDINANCE NO. O2003-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, REZONING CERTAIN PROPERTY HEREINBEFORE LOCATED IN THE AGRICULTURE (AG) DISTRICT TO THE LIMITED COMMERCIAL (B-1) DISTRICT AND AMENDING THE ZONING MAP TO CONFORM THERETO

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on January 13, 2003 in Zoning Case No: Z2002-017, in the manner prescribed by law, for the purpose of rezoning the parcel of property hereinafter described in the Limited Commercial (B-1) District as provided for in Chapter 154 of the City of Yuma Code; and,

WHEREAS, due and proper notice of such public hearing was given in the time, form, substance and manner as provided by law, including publication of such notice in the Yuma Sun on December 27, 2002; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding Case No: Z2002-017 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 property, to wit:

“That part of the Southwest Quarter of the Southeast Quarter (SW ¼ SE ¼) of section 5, Township 9 South, Range 22 West of the Gila and Salt River Base and Meridian, Yuma County, Arizona, more particularly described as follows:

Beginning at the Southwest corner of the Southwest Quarter (SE ¼) of Section 5; thence North 0° 25’ 30” West along the West line of said Southeast Quarter (SE ¼), a distance of 600 feet to the center line of B canal; thence South 89°35’30” East along the center line of said canal 660 feet; thence South 0°25’30” East a distance of 660 feet to the South line of the Southeast Quarter of said section 5; thence North 89°35’30” West along said South line of Section 5 to the point of beginning.

EXCEPT the West 207 feet thereof; and
EXCEPT the East 26 feet thereof.”

Containing 6.469 acres, more or less.

be placed in the Limited Commercial (B-1) District as defined by Chapter 154 of the Yuma City Code, as amended; that said property upon this Ordinance becoming final, be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Limited Commercial (B-1) District, and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, be hereby ordered to be changed and amended so as to show that said property described in this Ordinance will be located within the District herein provided.

SECTION 2. That the following conditions must be met and/or completed in order for the zoning amendment to be final:

1. A one-foot (1') non-access easement shall be provided over the entire 32nd Street frontage with the exception of any access approved by the Department of Community Development.
2. A Traffic Impact Analysis (traffic study) shall be conducted in accordance with City of Yuma Construction Standard No. 2-100 and the latest edition of the ADOT Traffic Impact Analysis for the proposed development. All suggested improvements outlined by the Traffic Impact Analysis shall be constructed by the applicant.
3. A raised median covenant shall be recorded on the property that acknowledges that medians are anticipated to be constructed within 32nd Street adjacent to the property, which may limit left turning movements into and out of the site.
4. The applicant/developer shall make a contribution for the traffic signal at the intersection of Avenue 5 ½ E and 32nd Street in the amount of \$1,020, which is equivalent to \$200.00 per acre.
5. The south half of the 'B' Canal, approximately forty-six feet (46'), along the north property line shall be dedicated to the City of Yuma, by plat or by warranty deed, to facilitate the future development of the linear park.
6. One hundred foot (100') half width roadway easement for 32nd Street shall be converted into fee title right-of-way dedicated to the City of Yuma.


Each of the conditions listed above shall be completed within three (3) years of the effective date of the rezoning ordinance or as provided for in a development agreement. In the event the conditions are not completed within this time frame, the applicable rezoning shall be null and void.

Passed and adopted this 19th day of March, 2003.

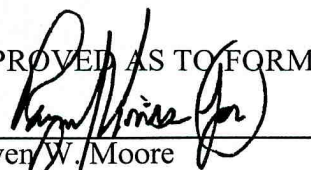
APPROVED:

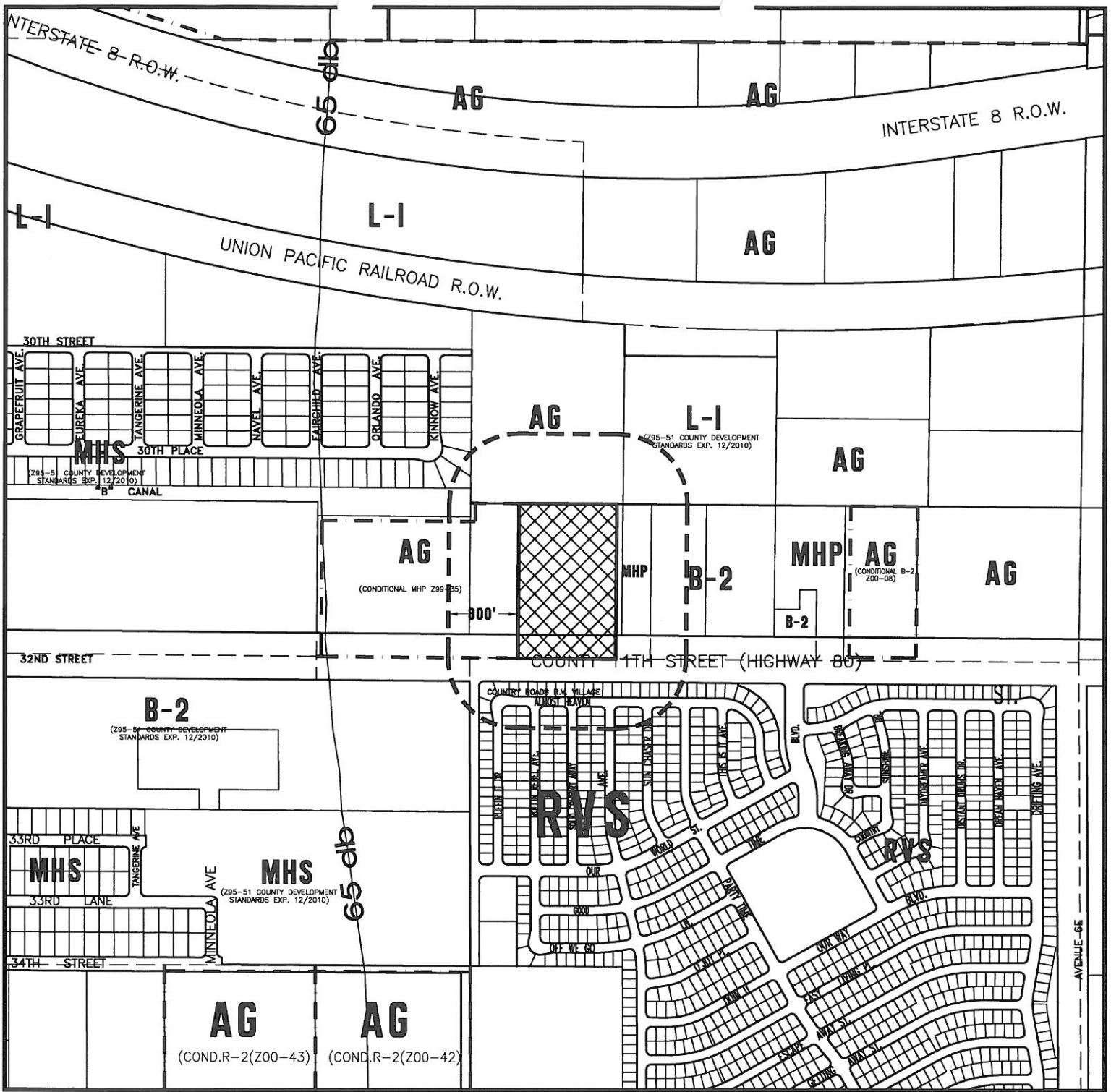

 Lawrence K. Nelson
 Mayor

ATTESTED:

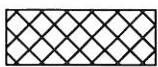

 Brigitta K. Stanz
 City Clerk

APPROVED AS TO FORM:

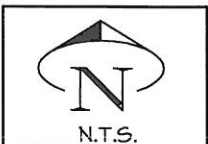

 Steven W. Moore
 City Attorney



LOCATION MAP



LOCATION OF SUBJECT PROPERTY



Prepared by: *E.G.*
 Checked by: *[Signature]*



Date: 12-06-02
 Revised:
 Revised:

Case no.:
Z2002-017

ORDINANCE NO. O2025-011

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING ORDINANCE O2003-12 TO REMOVE CONDITION 4, REVISE CONDITIONS 2 & 6 AND TO EXTEND THE TIME FOR COMPLIANCE WITH CONDITIONS FOR THE REZONING OF CERTAIN PROPERTY FROM THE AGRICULTURE (AG) DISTRICT TO THE LIMITED COMMERCIAL (B-1) DISTRICT AND AMENDING THE ZONING MAP TO CONFORM THERETO

WHEREAS, the City Council adopted Ordinance O2003-12 on March 19, 2003 rezoning certain properties subject to conditions which have not been fully met; and,

WHEREAS, pursuant to Arizona Revised Statutes (A.R.S.) § 9-462.01 and Ordinance No. O2003-12, a statutory compliance hearing was held on April 02, 2025 and this amendment to Ordinance No. O2003-12 was introduced; and,

WHEREAS, the City seeks to resolve the outstanding conditions to bring the property into compliance with the rezoning to the Limited Commercial (B-1) District; and,

WHEREAS, Condition 2 is modified so as to be addressed during the actual development, Condition 6 is updated to the present day right-of-way policies, Condition 4 is no longer necessary or desirable, and the timeframe for completion needs to be extended, all in Ordinance No. O2003-12,

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

SECTION 1: Condition 4 in Section 2 of Ordinance No. O2003-12 is hereby deleted.

The revised Conditions 2 & 6 in Ordinance No. 2003-12 would be as follows:

2. A Traffic Impact Analysis (traffic study) ~~shall be conducted in accordance with City of Yuma Construction Standard No. 2-100 and the latest edition of the ADOT Traffic Impact Analysis for the proposed development;~~ **will be required at the time of development if the proposed development meets the thresholds/requirements of City Standard 2-040.** All suggested improvements outlined by the Traffic Impact Analysis shall be constructed by the applicant.

6. One hundred foot (100') half-width roadway easement for 32nd Street shall be converted into fee title right-of-way dedicated to the City of Yuma; **then implement a right-of-way exchange agreement, with the City of Yuma keeping the south 80 feet and abandoning the north 20 feet to the adjacent property while reserving an easement for any utilities in that 20 feet.**

The subsection following Condition 6 in Ordinance No. 2003-12 would be reworded as follows:

Each of the conditions listed above shall be completed within ~~three (3)~~ **twenty-seven (27)** years of the effective date of the rezoning ordinance or as provided for in a development agreement. In the event the conditions are not completed within this time frame, the applicable rezoning shall be null and void.

SECTION 3: Subject to this amendment, Ordinance No. O2003-12 shall remain in full force and effect.

Adopted this _____ day of _____, 2025.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Richard W. Files
City Attorney