

**MINUTES**  
**REGULAR WORKSESSION**  
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA  
YUMA CITY HALL  
ONE CITY PLAZA, YUMA, ARIZONA  
**August 2, 2011**  
**5:00 p.m.**

**CALL TO ORDER**

**Mayor Krieger** called the City Council meeting to order.

Councilmembers Present: Stuart, Mendoza, Beeson, McClendon, Johnson and Mayor Krieger  
Councilmembers Absent: Brooks  
Staffmembers Present: City Administrator, Greg Wilkinson  
Director of Community Development, Laurie Lineberry  
Various department heads or their representatives  
City Clerk, Lynda Bushong

**I. REGULAR CITY COUNCIL MEETING AGENDA OF AUGUST 3, 2011**

**Motion Consent Agenda Item B2: Permanent Extension of Premises: Das Bratwurst Haus, LLC dba Das Bratwurst Haus**

**Stuart** informed City Council that he will request this item be pulled for a separate vote during tomorrow's Regular City Council Meeting, as he will declare a conflict of interest.

**II. AESTHETIC OVERLAY**

**Lineberry** presented the following:

- The Aesthetic Overlay (AO) was adopted in 1994. It was determined that in order to attract new business the City would need to be more attractive.
- In 1997 the adopted Major Roadways Plan identified the streets and criteria for the AO.
- Over time some conflict has risen about the AO that was previously shared with City Council.
  - Several changes in the community and economy have occurred since the AO's adoption.
- The City has benefited of several successful projects such as the Redondo Center Drive and the Yuma Palms Regional Center.
- As a community, developers tend to provide nicer designs for development when they are informed that the City has a design review.

**Mayor Krieger** asked for details of what the AO consist of. **Lineberry** detailed the following:

- The AO is an overlay that is over the zoning of a parcel; it is parcel specific. The City identified areas of focus for the AO, but at the time of adoption City Council decided that the changes would be added as individual property owners requested improvements.
- Some of the AO requirements are:
  - Any development must go through the Design Review Commission which is now known at the Design and Historic Review Commission (DHRC).
  - The bicycle rack requirement is currently not being enforced because it does not make sense in many circumstances.

- Pole signs are not allowed, therefore, businesses with signs must use a monument sign which has a wider base.
  - Most of the new developments use this type of sign regardless of the AO.
  - Use of any banner is not allowed.
- The length of walls is considered to determine when shadow, shade, color change, or texture on the wall is required.
- The landscaping requirements are identical in the AO. Initially, there was a requirement to underground all utilities but, policy was adopted by City Council in 2006 that adds some restrictions.
- The original AO required a certain percentage of shaded parking spaces.

**Lineberry** displayed two maps referenced to as 'Exhibit A' and 'Exhibit B', and are included as part of these minutes.

- 'Exhibit A' illustrates the existing AO.
  - The streets shaded in green are the existing Gateway Routes based on the Mayor Roadways Plan. Currently, all properties that touch these streets would be subject to the AO.
  - There has been limited success on many of the outlined areas because it seems to be too big. Some of the parcels that are part of the AO have nothing surrounding them and as a result, one property owner incurs the extra aesthetic. This creates a disparity issue.
- 'Exhibit B' illustrates propose changes of limiting or cutting back on the existing streets and focusing on intersections; which may improve the success of the AO.
- The AO has been successful in concentrated areas such as Downtown, the Riverfront, along Interstate 8, along 16<sup>th</sup> Street, and the Yuma Palms Regional Center.
- There are several streets that the City will be doing work on, where the City can incorporate some landscaping or public art at these intersections.
- There would need to be policy written in order to modify the AO currently in place.

**Mayor Krieger** asked if the AO applies to the Gateway Routes. **Lineberry** replied that the AO is required on Gateway Routes.

**Mayor Krieger** asked what defines a Conditional AO. **Lineberry** responded that in some instances some areas were re-conditionally rezoned in order to add the AO. The time period has expired but, in 2003 state law changed and zoning no longer expires. Therefore, any changes must be presented to City Council. **Mayor Krieger:** Is this a proposed change? **Lineberry:** Absolutely.

**Mayor Krieger** asked if the shaded blue streets in 'Exhibit B' are being added to the AO. **Lineberry** clarified that the Gateway Routes in 'Exhibit B' are the routes being proposed to remain from the existing AO and then focus on intersections rather than a whole street. Landscaping or public art has been completed on some sides of several of the proposed intersections. The City can begin to incorporate some landscaping or public art during scheduled improvements such as the interchange that will be worked on by the Arizona Department of Transportation (ADOT) as well as improvements identified by the City at 4<sup>th</sup> Avenue and 16<sup>th</sup> Street and at 32<sup>nd</sup> Street along Avenue A and Avenue B. The focus will be on upgrading the intersections when changes to the intersection occur.

**Mayor Krieger** asked if the current AO is consistently enforced. Specifically, at Avenue B and 32<sup>nd</sup> Street; the landscape around the K-Mart property appears dead with the exception of the gas station. **Lineberry** indicated that in that area there were some recent upgrades made. There is no landscaping at Plaza Auto which is on the north side; she is unsure of which pieces on the north side are within City Limits. **Mayor Krieger** questioned the effect of the current policies; specifically since this property

can be allowed to deteriorate and not be held to the same standards. **Lineberry** informed City Council that most enforcement is complaint driven.

**Beeson** requested clarification of the landscaping requirements for the AO. Landscaping appears to be the issue that is continuously brought up by business owners. Businesses want to attract business and are willing to plant trees, but having the City determine the types and amount of trees is rather burdensome. **Lineberry** stated that although the landscaping requirements were not brought to the meeting, the landscaping requirements in the AO are the same. If a business owner wants a certain type of tree they will have to maintain it.

**Johnson** inquired if all of the green shaded streets in 'Exhibit A' will no longer be part of the AO. **Lineberry**: That is my proposal. **Johnson** stated that these changes would be a great improvement but there are errors in 'Exhibit B'; the interchange illustrated at Avenue B has not been approved by the tribe. **Lineberry** stated that 'Exhibit B' illustrates information from the Major Roadways Plan. **Johnson** noted that the Quechan tribe has stated that they do not agree with having a bridge across the river. The Federal Highway Administration and ADOT have made it clear that the design criteria prohibit Interstate 8 and Pacific Avenue being an interchange. New interchanges have to be a minimum of two miles apart. The City has attempted to get permission to have a half interchange to help traffic congestions at the Yuma Palms Regional Center, but it has been turned down by both the Federal Highway Administration and ADOT. **Lineberry** stated that Interstate 8 and Pacific Avenue should have been classified as an overpass and not an interchange. The goal is to possibly use grant funds to upgrade the overpass and improve the way it looks from the freeway. **Johnson** disagreed with the designation of Pacific Avenue as an AO route, because it is a Gateway Route; as well as on 32<sup>nd</sup> Street from Pacific Avenue to Avenue B, and on 4<sup>th</sup> Avenue from 32<sup>nd</sup> Street to 24<sup>th</sup> Street. **Lineberry** indicated that the AO routes can be changed, but there was enough upgraded development along these routes that it made sense to recognize it.

**Johnson** stated that the decision made to only repave 32<sup>nd</sup> Street after the millions of dollars the City invested in the reconstruction design, building of the bridge, and acquiring right-of-way was unreasonable. As a result, this area will now be a vacant strip of land about 60ft wide. At the same time the City is requiring property owners of the abutting property to spend extra money to upgrade their property. However, one of the justifications the City uses for not completing the design of 32<sup>nd</sup> Street is due to the lack of funds. **Lineberry** responded that in the 1997 Major Roadways Plan, 32<sup>nd</sup> Street is listed as a Gateway Route that should get the AO and it was discussed again during the Planning Commission meeting in March 1998.

**Mayor Krieger** asked for the proposed changes to be presented back to City Council after the comments and feedback from tonight's meeting are taken into consideration.

**Johnson** asked why Pacific Avenue south of 16th Street is being considered for the AO. **Lineberry** replied that since there are right-of-ways on both sides of the street and Pacific Avenue is a direct route to the airport, it was considered appropriate for it to be classified as a Gateway Route. **Johnson** disagreed due to lack of development. The right-of-way is City owned property and the City can choose to landscape without the AO classification. **Lineberry** stated that a plan must still be in place in order to move forward.

**Stuart** asked if City Council will receive copies of the proposed changes and other relevant material such as the current landscaping requirements. **Lineberry**: Yes.

**Beeson** conveyed that it made sense to keep the private plane access road under the AO conditions because of the flow of traffic.

**Mayor Krieger** stated that an important factor to be mindful of is that most of the burden of the existing AO and the proposed AO conditions tend to be for the private property owner, particularly when the property is developed or changed. The fact is that businesses attempt to develop parcels that are attractive to draw in business, and in return it contributes to the community without the need of having all these requirements under the AO. This conclusion is based on the improvements that occurred in the mall area and between Interstate 8 and Pacific Avenue. Is there another mechanism other than the AO in the development process to make these requests where they do not become over burdensome to the property owners? **Lineberry** indicated that without the AO the City might not have received the same level of quality on these projects.

**Mayor Krieger** asked if the City experiences any negative impact from businesses that decide not to build due to all these requirements. **Lineberry** replied that City staff has not come across this situation.

**Johnson** agrees with the proposed change to shift focus of the AO to key intersections but does not agree with all the intersections identified. The developers of the Yuma Palms Regional Center did not allow the mall to be part of the AO. Therefore, the misters and water features were added because of the developers, not the AO. **Lineberry** clarified that staff negotiated these features as part of the development agreement along with the water, sewer, and roadway improvements.

**Mayor Krieger** asked if these requirements can be outlined or addressed with a development agreement. **Lineberry** indicated that they can be added, but, when requirements are imposed onto residents they usually want to see where the requirements are specified in the City's Code.

**Mayor Krieger** stated that the important areas are from Interstate 8 to 4<sup>th</sup> Avenue, around 16<sup>th</sup> Street and 4<sup>th</sup> Avenue, and possibly exiting the airport. The proposed Gateway Routes can be scaled back since the AO seems to be a burden on private property owners and discourages investment. Some of the issues addressed by the AO can be resolved through the landscaping code. **Lineberry** indicated that the AO follows the regular landscaping regulations. The AO also considers the review of the proposed building.

**Mayor Krieger** stated that the City currently does not abide by these regulations. **Lineberry** replied that she has attempted to address this for four years. **Mayor Krieger** stated that for this reason the AO needs to be significantly scaled back and focus on the areas that will have a dramatic result. The City should concentrate improving the entrance to the City. Businesses that choose not to build inviting buildings will suffer the consequences of their own negligence. What is the next step? **Lineberry** indicated that staff is prepared to go in the direction the City Council instructs.

**Johnson** stated that the most appropriate intersections that should have the AO requirements are at Avenue A and 16<sup>th</sup> Street, 16<sup>th</sup> Street and 4<sup>th</sup> Avenue, Avenue A and 32<sup>nd</sup> Street, and Avenue B and 32<sup>nd</sup> Street; since the City already owns most, if not all the necessary property. **Lineberry** stated that the intent is not to impose the AO to every property that touches the proposed intersections but to allow the City to do the necessary improvements as work at these intersections is completed. **Johnson** added that then once it redevelops the developer will match the improvements made.

**McClendon** agreed that the City needs to be accountable and follow through with the approved regulations.

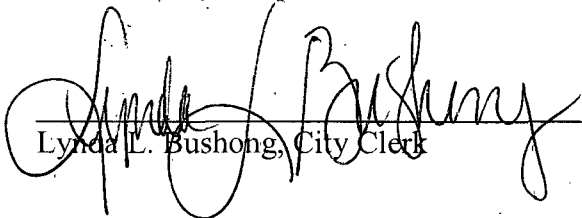
**Wilkinson** explained that one of the changes is a significant reduction to the current AO. The best way to move forward is by City Council providing comments and feedback on the proposed changes; staff can then provide an update in 2-4 weeks. **Mayor Krieger** agreed and asked if these intersections only reference City owned property and City owned right-of-way. **Lineberry** replied that the goal was to focus on city owned property.

**Mayor Krieger** asked if Councilmembers could provide feedback in order to move forward. **McClendon** requested a colored copy of the map be provided to Council. **Lineberry** replied that the map would be emailed to each Councilmember. **Mayor Krieger** requested that Council review the map and forward comments and feedback to Wilkinson.

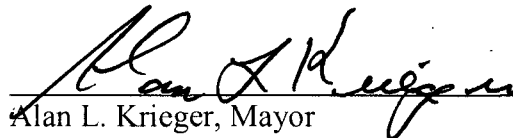
**III. ADDITIONAL ITEMS FOR POSSIBLE DISCUSSION – NO DISCUSSION**

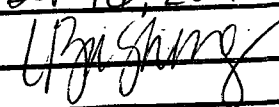
**IV. ADJOURNMENT/EXECUTIVE SESSION**

**Motion** (Beeson/Mendoza): To adjourn the meeting to Executive Session. Voice vote: **adopted** 6-0. The meeting adjourned at 5:55 p.m.

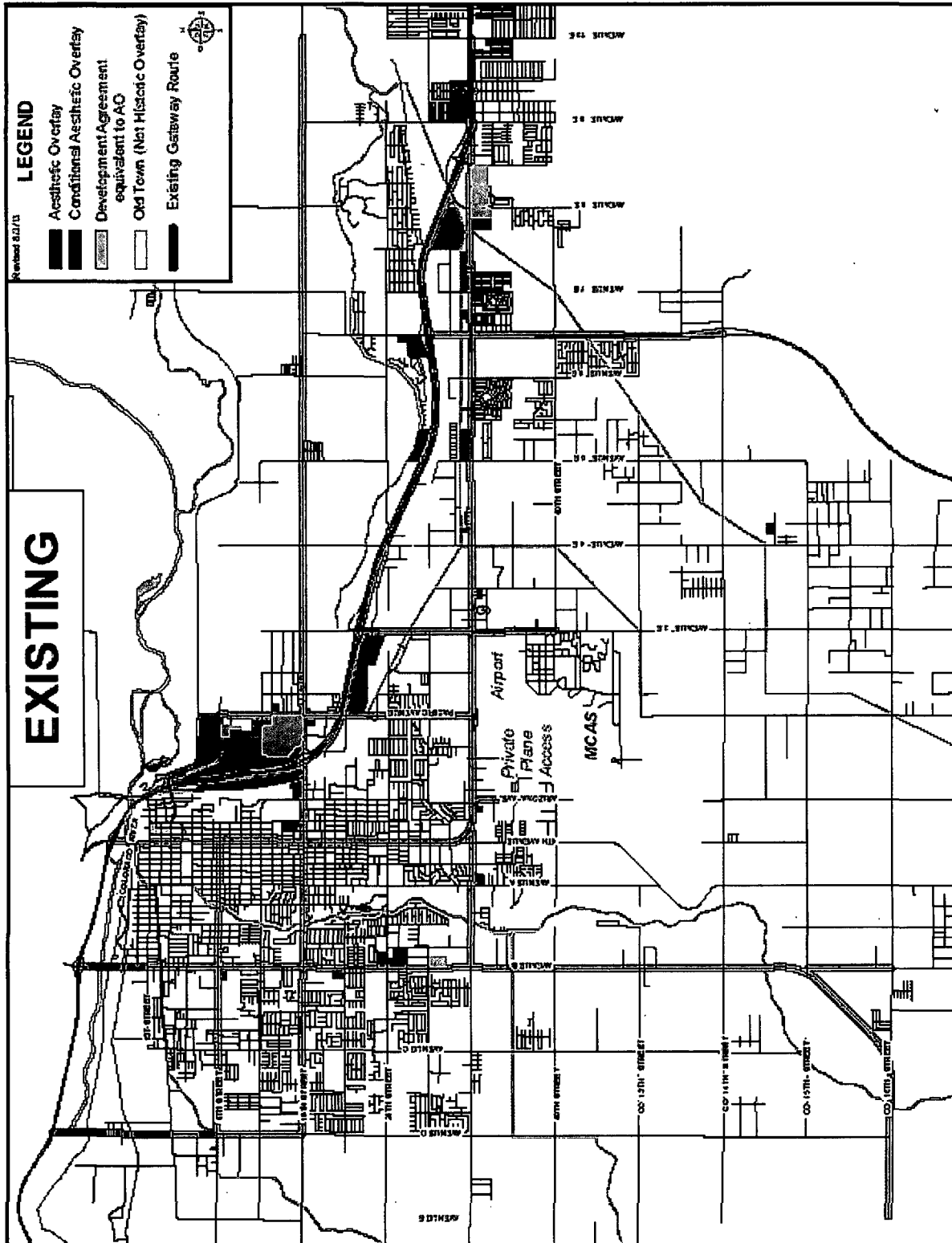
  
Lynda L. Bushong, City Clerk

APPROVED:

  
Alan L. Krieger, Mayor

Approved at the City Council Meeting of: November 16, 2011
City Clerk: 

'EXHIBIT A'



**'EXHIBIT B'**

