



**CITY OF YUMA
REGULAR CITY COUNCIL MEETING AGENDA
COUNCIL CHAMBERS – YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
WEDNESDAY, AUGUST 27, 2014
5:30 P.M.**

CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

ROLL CALL

FINAL CALL for submission of Speaker Request Forms for agenda related items.

PRESENTATIONS

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 will be taken separately.

There are no Motion Consent Agenda items scheduled for approval at this time.

Page Item

- 1. 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)

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 will be taken separately.

There are no Resolutions scheduled for adoption at this time.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

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

5. A. Ordinance O2014-16 Zoning Code Text Amendment: Appendix A: Cielo Verde Specific Plan

Approve the request to amend the City of Yuma Zoning Code, Title 15, Appendix A: Cielo Verde Specific Plan. This is a request by Bruce Jacobson, on behalf of the Cielo Verde Development Limited Partnership. (ZONE-5373-2014) (Community Development/Community Planning) (Laurie Lineberry)

29. B. Ordinance O2014-20 Zoning Code Text Amendment: Mobile Food Vending

Amend Title 15, Chapter 154 to provide definitions and regulations for mobile food vendors. (Community Development/Community Planning) (Laurie L. Lineberry)

SUGGESTED MOTION: To adopt the ORDINANCES CONSENT AGENDA as recommended:

M/_____ S/_____ RV/_____

IV. 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.

44. A. Ordinance O2014-26 Rezoning of Property: Southeast corner of Avenue C and 16th Street, Yuma, AZ.

Rezone approximately 19.39 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6) District. The property is located at the southeast corner of Avenue C and 16th Street, Yuma, AZ. (ZONE-6465-2014) (Community Development/Community Planning) (Laurie Lineberry)

V. PUBLIC HEARINGS & RELATED ACTIONS

There are no public hearings scheduled at this time.

FINAL CALL for submission of Speaker Request Forms for Call to the Public.

VI. 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 August 7, 2014 through August 27, 2014. 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.

VII. SUMMARY OF CURRENT EVENTS

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

VIII. NOTIFICATION TO MAYOR AND COUNCIL

Pursuant to the Yuma City Charter and Arizona Revised Statutes, the City Clerk will give Mayor and Council formal notification of the petition verification related to Referendum REF2014-02 / Ordinance O2014-15: Zoning Reversion at 2545 W. 8th Street, filed on behalf of the Political Action Committee No Wal Mart on 8th Street.

IX. CALL TO THE PUBLIC

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

X. 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 (3 and/or 4) and the following items:

There are no items scheduled at this time.

ADJOURNMENT

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



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 27, 2014

DEPARTMENT: Community Development

DIVISION: Community Planning

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

TITLE:
Zoning Code Text Amendment: Appendix A: Cielo Verde Specific Plan

SUMMARY RECOMMENDATION:
Approve the request to amend the City of Yuma Zoning Code, Title 15, Appendix A: Cielo Verde Specific Plan. This is a request by Bruce Jacobson, on behalf of the Cielo Verde Development Limited Partnership. (ZONE-5373-2014)

REPORT:
Clerk's Note: This item is continued from the Regular City Council Meeting on May 21, 2014.

Executive Summary: This text amendment will remove ambiguous wording, better organize the permitted uses and ensure the zoning ordinance text better matches the associated subdivision plat and development agreements.

Planning and Zoning Commission Recommendation:
On April 14, 2014 the Planning and Zoning Commission voted to recommend APPROVAL (5-0, with Brockington and Underhill absent), of the request to amend the City of Yuma Zoning Code, Title 15, Appendix A.

Public Comments – Excerpt from Planning and Zoning Commission Minutes:
Questions for Staff

Robert Blevins, Principal Planner, summarized the staff report, recommending **APPROVAL.**

QUESTIONS FOR STAFF - None

APPLICANT / APPLICANT'S REPRESENTATIVE
Bruce Jacobson, 1334 S. 5th Avenue, Yuma, Arizona, was available for questions.

PUBLIC COMMENT - None

MOTION

Motion by Chris Hamel – Planning Commissioner, second by Karen Conde – Planning Commissioner, to APPROVE Case Number ZONE-5373-2014. Motion carried unanimously (5-0).

Planning Commission 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 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:			DATE:
	Gregory K. Wilkinson			7/29/2014
	REVIEWED BY CITY ATTORNEY:			DATE:
	Steven W. Moore			7/29/2014
	RECOMMENDED BY (DEPT/DIV HEAD):			DATE:
Laurie Lineberry			4/21/2014	
WRITTEN/SUBMITTED BY:			DATE:	
Robert Blevins			4/17/2014	



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – TEXT AMENDMENT**

Hearing Date April 14, 2014

Case Number: ZONE-5373-2014

Project Description: A request by Bruce Jacobson, on behalf of the Cielo Verde Development Limited Partnership to amend the City of Yuma Zoning Code, Title 15, Appendix A: Cielo Verde Specific Plan, to remove some ambiguous wording, better organize the permitted uses, and ensure the zoning ordinance text better matches the associated subdivision plat and development agreements.

Staff recommendation: Staff recommends **APPROVAL** of the request to amend the City of Yuma Zoning Code, Title 15, Appendix A: Cielo Verde Specific Plan.

Suggested Motion: Move to approve the request to amend the City of Yuma Zoning Code, Title 15, Appendix A: Cielo Verde Specific Plan.

Staff Analysis: The Cielo Verde Specific Plan (CVSP) is a zoning district that exists in only one location with finite boundaries, specific uses, and distinct development standards. However, it was written in a unique style when compared to other zoning districts in the City of Yuma Zoning Ordinance. The CVSP also has aspects that are interrelated with the Cielo Verde Specific Plan recorded subdivision plat, and the “Notes, Special Notes, and Key Notes” which are part of that recorded plat. A series of development agreements are also involved and are in the process of being updated. Amendments to the CVSP subdivision plat (SUBD-5372-2014) will be heard in tandem with this proposed text amendment to ensure that the text, plat, and notes are coordinated and brought up-to-date to better reflect the actual development that has occurred since 2000.

Refer to Attachment A for the specific changes to the wording in the CVSP text. The following is a synopsis of the changes and the reasoning behind the proposed amendments:

1. In the text, eliminating vague phrases using the word “common” or replacing the word “common” with more contextually-appropriate verbiage would better direct a user of the CVSP to what was intended in the development. The word “common” when read in different contexts of the CVSP might refer to places or activities open to the general public, or it could imply there are places and uses reserved for residents or members of a homeowner’s association. That is a vast difference in meaning. By either eliminating the reference to “common” or replacing it with the word “designated” should lessen confusion in the text.
2. Since there is no homeowner’s association and approximately 27 homes have been sold by the developer to individuals, the creation of a retroactive homeowner’s association would not be realistic or be able to support common, public, or private areas. The removal of the subsection referring to a homeowner’s association and its responsibilities in Section (H)(3)(n)4. should increase the accuracy of the CVSP. A future user of the text needs direction in

what has and has not occurred since this development began. If a new homeowner's association were formed, it might not be able to support a private park or would be willing to pay for and maintain a public park. The text was never clear on whether such an association was required, while the plat implies it was. These amendments will remove those conflicts.

3. Another change would be to clarify the titles and numbering of subsections in Section (H) to replace a confusing "Primary uses" heading with the word "Purpose", and place two permitted uses mentioned earlier in the CVSP into newly-numbered Subsections: (H)(2)(p) Recreational vehicle parks; and (H)(2)(q) Manufactured home parks. Those two uses would now be in appropriate subsections consistent with how permitted uses are presented in the balance of other zoning districts.

4. The change to Section I (pronounced as: Section "eye") would be to make sure the appropriate font is used to distinguish better that this Section uses the capital letter "I", not the lower case of L which is "l", or the number "1".

5. The map on the last page of the CVSP (page 15-477) will be updated to reflect the correct zoning on the subject and surrounding properties. This change will not alter the boundaries of the CVSP.

The applicant states:

"City of Yuma Staff has determined that it would be in the best interests of the City and the developer to introduce minor text amendments in the Cielo Verde entitlement agreements in order to remove certain inconsistencies and provide for greater clarity and certainty within the agreements. The proposed amendments are not intended to materially alter the original intent or application of the agreements.

"So far the development has incorporated un-gated subdivisions containing City streets and rights-of-way and absent a homeowner's association. It is worth noting that the developer still has the option of creating gated subdivisions or neighborhoods within the property boundaries, in which case those streets would be private, the common areas would indeed be common areas rather than rights-of-way, and there likely would be a homeowner's association. This remains at the developer's election.

"[In the above] prior Paragraph 2, [the] oblique reference to park maintenance funding . . . If this is to be a discussion about the park and it's former and present approval status, then I think it should be tackled head on. The alternative is to leave out mention of the park altogether.

"If the park is to be discussed . . . it should be introduced . . . on how the tentative park design plan evolved from the existing agreements, with the City's encouragement and guidance, and an explanation of what the City has done to modify its original position on the park, and where that leaves the development now, both with respect to the water retention basins and to the recreational uses originally intended, and actually required by the City in the various interconnected entitlement agreements."

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

Yes The General Plan has an objective to provide land suitably located and serviced to accommodate a desirable mix of residential, business, recreational, industrial, and public activities within the community. This amendment gives clarity to the meaning and intent of Appendix A.

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

Yes The provisions of the Zoning Ordinance are intended to: lessen congestion of streets; promote the health, safety, morals and general welfare; prevent overcrowding of land; and facilitate the adequate provision of transportation, water, sewerage, and other requirements. These updates to the text will give better direction to a user of the Zoning Ordinance.

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

No However, it places permitted uses in uniformity with the framework of how they are listed in other zoning districts.

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

Yes This amendment does not change development standards.

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

No potential negative impacts are identified with the proposed text amendment.

6. Does the proposed amendment fit the overall purpose and intent of the subdivision ordinance?

Yes It is not in conflict with the subdivision ordinance.

7. Does the proposed amendment conform to prior City Council actions regarding this issue?

Yes These changes to the CVSP text are consistent with prior actions.

Public Comments Received:

Name:	Kim Hannon			Contact Information:	3525 S. Woodpecker Way					
Method of Contact:	Phone	X	FAX	Email	Letter	Other				
"If we had known an RV park was located here, we would not have considered buying. Nowhere stated that RV Parks would be allowed. Very concerned about property values. I was shown plan and it was just homes. They told me there would never be homeowner's association fees."										

Name:	Bill Evans			Contact Information:	WE52@hotmail.com					
Method of Contact:	Phone	X	FAX	Email	Letter	Other				
Questions about number of spaces and amenities in new RV Park.										

External Agency Comments: None

Neighborhood Meeting Comments: See Attachment B

Proposed conditions delivered to applicant on: N/A

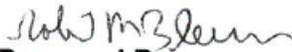
Final staff report delivered to applicant on: 04/01/14

- Applicant agreed with all of the conditions of approval on: N/A
- 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
Draft Text	Neighborhood Meeting Comments

Project Planner: Bob Blevins, Principal Planner 373 -5189 Robert.Blevins@yumaaz.gov


Prepared By:
 Bob Blevins

Date: 3/27/14


Reviewed By:
 Bobette Bauermann, Principal Planner

Date: 3/27/14

Approved By: 
 Laurie L. Lineberry, AICP,
 Community Development Director

Date: 4-2-14

ATTACHMENT A
DRAFT TEXT

Amend the City of Yuma Zoning Code, Title 15, Appendix A: Cielo Verde Specific Plan, as follows:

Appendix A: Cielo Verde Specific Plan

(A) Purpose. Provide resident and regionally supported commercial sites on the north portion of the property. Provide an attractive living environment for permanent homeowners as well as seasonally retired, second home and vacation home buyers and renters on the south portion of the property. Provide protected development rights through the adoption of a specific plan, which works in conjunction with a development agreement and the platting process.

(B) Project description.

- (1) Cielo Verde is a 382-acre mixed-use master planned development, providing a variety of commercial uses and housing types in a pedestrian-oriented, neighborhood-focused community planned primarily for adult living.
- (2) The project takes advantage of the existing topography of the site by providing a linear park ~~for the common use of the residents~~, which follows existing drainage contours of the site. The land plan minimizes major earth moving for stormwater control and provides a significant community amenity which doubles as a recreation area for its residents and guests.
- (3) **Common Designated** areas are planned to contain open space, ramadas, security lighting, landscaping and linear walking paths throughout the project. Other active recreation activities and structures (putting greens, tennis courts, a recreation center, for example) may be added ~~to the common areas~~. Alternate uses are contemplated in most areas to provide flexibility in order to respond to evolving market demands in the future.
- (4) There are two distinct commercial areas: resident-supported commercial sites line the central entry road leading into the residential portion of the project, and more community/regional commercial areas along 32nd Street provide for accommodation of larger retail and service establishments.
- (5) A maximum of 1,932 residential lots can be developed on approximately 317 acres of the property designated for residential uses. There are a range of residential lot sizes and dwelling unit types provided. Minimum residential lot sizes range from 1,800 square feet for the RV park lots, to 6,000 square feet for the manufactured home/site built lots. Multi-family units are limited to lower density townhomes and apartment clusters. Within individual neighborhoods, lot sizes can be considerably larger than the minimum permitted area.
- (6) The development of the master community shall be achieved in stages as market demands arise. Parcels may be developed or further subdivided to meet these demands. The developer's credit assurances required for the public facility improvements outlined in the development agreement shall not be posted until each parcel is replatted for the final development or a building permit is issued for any given parcel. The improvements shall include the improvements adjacent to the parcel being developed, in accordance with the provisions of this specific plan, the development agreement, and the individual plats, as well as any improvements that need to be in place in order to provide road, fire and utility access to the parcel.

(C) Policies.

(1) Project policies.

- (a) To create a development which offers a variety of housing types with support commercial facilities and a centrally located park/ recreation area within convenient walking or biking access from all areas of the community;
- (b) To provide the necessary infrastructure and services for residential and commercial uses;
- (c) To create an aesthetically cohesive community by providing a common desert landscape theme;
- (d) To create distinct neighborhoods throughout the plan linked by pedestrian and non-automotive personal vehicular pathways; and
- (e) To create community identity readily associated with the Cielo Verde Specific Plan Community.

(2) Design policies.

- (a) To create a sense of community and neighborhood identity;
- (b) To use open space, landscaping and urban design to strengthen identity and image;
- (c) To use fences, walls, landscaping and berms on the perimeter of neighborhoods to provide privacy screening, define property limits, separate use areas and provide security;
- (d) To promote building height and bulk appropriate to the size, shape and topography of the site and in harmony with its setting;
- (e) To utilize a variety of site sizes to encourage efficiency in design and to facilitate a mixture of housing product types and densities;
- (f) To provide **common designated** automotive parking areas which facilitate both vehicular and pedestrian movements;
- (g) To utilize landscaping and screening making parking areas visually attractive and compatible with their surroundings;
- (h) To use appropriate signage for the purpose of identification and direction. The design of permitted signs should be consistent with and architecturally integrated into building and streetscape design themes;
- (i) To place outdoor lighting in such a way that it accents architectural features and outdoor spaces while minimizing glare or excessive light spillage on neighboring sites; and
- (j) To maintain the design objective of creating human scale spaces and buildings that do not appear monumental or monotonous in the context of the community.

(D) Concepts.

(1) Neighborhood concept.

- (a) Cielo Verde is a master-planned development designed to create a sense of traditional community ~~not typically found in new subdivisions today~~. While streets are amply designed to accommodate circulation of the largest recreation vehicles and delivery of manufactured housing units, as well as fire and municipal service vehicles, the emphasis is on pedestrian and other non-automotive transportation modes.
- (b) A secondary network of walking and biking paths is incorporated into some street sections and also follows a branching central linear park to connect smaller-scale residential neighborhoods with recreation and social activity facilities and local shopping and commercial services.

1. Commercial development.

- a. The commercial site has business frontage on 32nd Street and Interstate 8 (I-8) at the city's eastern "gateway" interchange. In addition to providing a regional center for highway-oriented retail

activity, the commercial development will create a buffer between the highway and adjoining residential neighborhoods while providing an important amenity for local residents.

b. The central entry road leading into the residential site passes through a neighborhood-scale shopping area which is intended to be a place for local retail shops and services, located within walking and bicycling distance of all of the housing neighborhoods. The neighborhood shopping area at the entrance to Cielo Verde will present a variety of shops and services for local residents, and once fully developed will help to reduce the amount of vehicular traffic entering and exiting onto 32nd Street as many of the residents needs will be met on-site.

2. Residential development.

a. Targeted to the seasonal visitor and retiree markets, Cielo Verde presents an opportunity for transitional lifestyles. The alternative of rental occupancy is presented in each housing type in order to provide choice and to permit new residents to try out the community before making a long-term commitment. The presence of site built housing within Cielo Verde will also give a greater range of choice for second-home buyers and will provide a supply of lots to local builders who may wish to participate in development of the community.

b. A variety of residential housing forms will be created, clustered in discreet neighborhoods of approximately 50 to 100 homes. The co-existence of site built and manufactured homes along with RV units and so-called "Park Models" has already been demonstrated to work effectively, from a market viewpoint, in the Foothills community in east Yuma. In addition, multi-family units including low-density townhomes as well as clustered rental apartment units may be offered in the project, if warranted by market conditions.

c. Cielo Verde will complement existing housing supply by offering a range of lot sizes, many larger than the minimum required for each housing type, with a variety of premium features.

(2) Streetscape/circulation concept.

- (a) While the major collector roads within the development are consistent with local standard and with precedent well established in the city, street sections within and between the individual residential neighborhoods are generally narrower than commonly found in other comparable local developments. Resulting reduced traffic speed and emphasis on pedestrian circulation will contribute to safety and help to create the character of a traditional town.
- (b) Pedestrian and non-automotive "unique vehicle" uses are provided by attractive and fun to use sidewalks and pathways within some road sections. Elsewhere, a system of off-street pathways follows the contour of the linear park system, branching into each neighborhood.
- (c) Ample street widths and turning radii are provided in all cases for fire and municipal service vehicles as well as for mobile vacation vehicles and manufactured home deliveries.

(3) Open space/recreation concept. As presently envisioned in the Master Plan, community facilities may include a recreation center with indoor/outdoor pool, wading pools, rooms for crafts and social functions, dance floor, auditorium and stage with outdoor bandstand seating, tennis, shuffleboard, volleyball and baseball playing areas, and playgrounds and other social and athletic facilities. **Common Designated** areas accessible to and available for use by all the residents include a linear park significantly exceeding the minimum required proportionate amount of site area, which connects the neighborhoods with walking and bicycling trails.

(E) Densities.

- (1) Maximum residential project density. A maximum density of six units/acre independent of higher densities permitted in multi-family districts located on commercial and residential portions of the site, shall not be considered in calculating overall lot density. The Cielo Verde Specific Plan is allowed a total maximum of 1,932 dwelling units, exclusive of multi-family housing.
- (2) Multi-family residential density. Multi-family residential density shall be in accordance with city standard and shall be determined independent of overall residential density limits.
- (3) Density averaging permitted. Densities shall be calculated by averaging residential units over the Cielo Verde development site, excluding the multi-family site area. The multi-family units permitted as an alternative use within a portion of the residential and commercial development area will not be used in determining overall density on the single-family residential portion of the site.

(F) Cielo Verde Commercial District.

- (1) Primary uses. Primary uses permitted in the Cielo Verde Commercial District include the following:
 - (a) Retail sale, rental or repair of goods, materials and equipment, including wholesale activities, provided that wholesale items are available for retail sale to the general public;
 - (b) Hotel, motel, guest lodging or entertainment establishment and associated business;
 - (c) Any business providing a service or installing a product for individuals, households or other businesses;
 - (d) High-density multi-family development;
 - (e) Indoor or outdoor restaurants, cocktail lounges, tourist lodging, theaters and any form of commercial recreation and entertainment conducted wholly within an enclosed building, except no adult-oriented businesses shall be allowed;
 - (f) Enclosed self-storage facilities;
 - (g) Retail motor fuel sales and convenience markets, including automotive service and repair within such facilities;
 - (h) Grocery stores, neighborhood grocery stores, convenience markets and specialty food and beverage stores;
 - (i) General offices such as banks and other financial establishments;
 - (j) Drive-through facility for any restaurant, banks, retail store or service business;
 - (k) Shops and salons providing services for personal grooming and apparel;
 - (l) Religious institutions including related buildings and activities;
 - (m) Residential care facility, small or large;
 - (n) Membership-based lodging;
 - (o) Miscellaneous social services;
 - (p) Offices and clinics; medical;
 - (q) Nursing and personal care, small or large;
 - (r) Hospitals;
 - (s) Medical and dental labs;
 - (t) Home health care services;
 - (u) Miscellaneous health and allied services; and
 - (v) Health clubs and gymnasiums.
- (2) Accessory uses. Accessory uses permitted in the Cielo Verde Commercial District include the following:
 - (a) Fabrication, assembly or craftsmanship of such goods and materials which are sold on the premises; provided, however, that such activity is clearly incidental and essential to a principal retail or service use as provided herein; and further provided that the area devoted to such activity shall not exceed 40% of the gross floor area

of the principal use. Any other manner of fabrication, manufacturing, processing or other type of industrial activity shall be prohibited; and

(b) Sidewalk sales and promotional events which are temporary and incidental to any principal use permitted herein; provided, however, that such activity does not displace any required parking or landscaped area as specified by this chapter.

(G) Development standards for the Cielo Verde Commercial District.

- (1) Minimum lot area. Twelve thousand square feet.
- (2) Maximum building height. Forty feet.
- (3) Yards.
 - (a) Fifteen-foot setback abutting public or private street;
 - (b) Twenty-foot setback with solid six-foot high screening (landscape/wall) adjacent to residential areas; and
 - (c) Zero-foot setback between lots of the same zoning.
- (4) Noise limitations. Noise limitations shall be in accordance with § 154-15.11 of the city zoning ordinance.
- (5) Parking and loading. Off-street parking and loading shall be provided in the manner specified in Article 16 of the city zoning ordinance.
- (6) Lighting. All exterior lighting fixtures shall be arranged and located as to direct the light away from any public or private street right-of-way or adjoining residential district.
- (7) Landscaping. Any required yard fronting on a public or private street right-of-way shall be landscaped as set forth in Article 20 of the city zoning ordinance and shall not be used for parking, loading, maneuvering aisle or product display.
- (8) Design review. All developments proposed in the Commercial District shall be subject to Design Review by DCD staff. DCD staff shall use the development standards of § 154-14.01(D) of the Aesthetic Overlay District for review guidelines.

(H) Cielo Verde Residential District.

(1) ~~Primary uses.~~ **Purpose**

~~(a)~~ Individual neighborhood developments may be produced in the form of subdivided lots or as operating rental parks. These alternate forms of development are intended to provide flexibility in order to respond to evolving market demands in the future. Operating rental parks may be subdivided into lots at future times in compliance with City of Yuma Subdivision Regulations. Subdivided lots may be rented and collectively operated as rental parks, with individual lots owned by the developer or by the homeowner.

~~(b)~~ (2) Primary uses permitted in the Cielo Verde Residential District include the following:

- ~~1.~~ (a) Recreational vehicle subdivisions;
- ~~2.~~ (b) Park models, including such units exceeding 400 square feet. Currently referred to as “super park models” or “vacation homes”;
- ~~3.~~ (c) Manufactured homes;
- ~~4.~~ (d) Site built dwellings;
- ~~5.~~ (e) Lot size requirements and square feet per unit type, are subject to development standards;
- ~~6.~~ (f) Low and medium density multi-family dwellings;
- ~~7.~~ (g) Small and large residential care facilities;
- ~~8.~~ (h) Home occupations;
- ~~9.~~ (i) Accessory buildings, structures and uses such as a vestibule, carport, garage, noncommercial storage facilities, boat and trail storage areas;
- ~~10.~~ (j) Accessory uses of buildings or structures incidental to any permitted use;
- ~~11.~~ (k) Golf courses, community swimming pools, tennis courts, shuffleboard courts, softball and volleyball areas and any other recreational or community facilities, as may be warranted by community interests;

- ~~12-~~ (l) Open space, parks, linear parks, outdoor performance amphitheater, outdoor/indoor seasonal festival activities and recreational facilities;
- ~~13-~~ (m) Municipal water production and storage facilities; municipal sewage treatment plants; municipal facilities for the collection, transfer and disposal of solid waste;
- ~~14-~~ (n) Stormwater storage facilities and retention areas; and
- ~~15-~~ (o) A religious institution, including related buildings and activities, located on Parcel 15 only of the recorded Cielo Verde plat, at the southwest corner of 36th Street and Avenue 8-1/2 E;
- (p) Recreational Vehicle Parks;**
- (q) Manufactured Home Parks.**

(2) Development standards.

- (a) Minimum parcel sizes/area per unit.
 - 1. Recreation vehicle, park model. One thousand eight hundred square feet;
 - 2. Manufactured home or multi-family lot size. Two thousand four hundred square feet;
 - 3. Site built residence lot size. Six thousand square feet;
 - 4. Minimum site area for a recreation vehicle subdivision. Three acres; and
 - 5. Dwellings on lot. More than one dwelling unit may reside on a lot, as long as the lot size includes the combined minimum square footage for each dwelling type. For example, if a recreation vehicle (1,800 square feet) and a site built residence (6,000 square feet) are on one lot, that lot will have to be a minimum of 7,800 square feet.
- (b) Minimum lot widths.
 - 1. RV, park model, manufactured home or multi-family lot width. 40 feet;
 - 2. Site built lot width. 50 feet; and
 - 3. Lots with circle driveways or dual driveways. 60 feet.
- (c) Minimum setbacks.
 - 1. Front yard setback.
 - a. RV, park model, manufactured home. Ten feet;
 - b. Site built or multi-family. Twenty feet; site built single-family homes may be constructed with a 15-foot front yard setback, but shall maintain an increased rear yard setback as shown in division(H)(2)(c)3. below. Front entry garages shall maintain a minimum 20-foot front yard setback.
 - 2. Side yard setback.
 - a. RV, park model, manufactured home, site built. Seven feet; and
 - b. Multi-family. Zero feet.
 - 3. Rear yard setback. Ten feet; site built single-family homes constructed with a 15-foot front yard setback shall maintain a minimum 15-foot rear yard setback.
 - 4. Street side setback. Ten feet.
 - 5. Setback between dwellings. Fourteen feet.
- (d) Lot coverage. Fifty percent maximum.
- (e) Off-street parking. One parking space, as defined in Article 16 of this chapter, shall be provided for each parcel for a recreation vehicle subdivision use, and shall not be located within any public or private drive or street or other access way. Said parking shall be paved with a durable, dust-free surface, and shall be located within either 50 feet of the residential use being served or within a **common designated** parking area. No parking space shall be located within the minimum street setback as specified herein. A minimum of one visitor parking space shall be provided for each five recreation vehicle subdivision

parcels. All other uses shall provide off-street parking as required by Article 16 of this chapter.

- (f) Lighting.
 - 1. In order to carry out the overall development concept and theme of Cielo Verde, the lighting of the project will accentuate the project features.
 - 2. The open spaces will be lighted for pedestrian utilization. The lighting of these areas will be by pedestrian scale lights that will provide low-level light to the major pathway system.
 - 3. The individual residences will light the residential neighborhoods. Each residence will have illuminated address for ease of visitor way finding and emergency vehicle response.
 - 4. Interior street will have limited lighting. Intersections will be lighted.
- (g) Streets.
 - 1. Street corners. Twenty-five feet minimum radius.
 - 2. Local street width. Twenty-two feet of driving surface. Local streets shall accommodate "eyebrow" parking spaces for guest and residential overflow parking.
 - 3. Ring Road Street with medians shall have 60 feet of right-of-way. Included in the right-of-way will be a five foot meandering sidewalk on one side, one 12 foot asphalt driving lane in each direction, an eight foot paved shoulder between the travel lane and face of curb and a six foot raised, center median.
 - 4. Ring Road without medians shall have 60 feet of right-of-way. Included in the right-of-way will be two 12 foot asphalt driving lanes, excluding gutter and five foot meandering sidewalks on both sides of the roadway.
 - 5. Thirty-Sixth Street shall have 80 feet of required right-of-way. Cross sections shall be the same as the Ring Road cross sections with appropriate modifications approved by staff to accommodate left turn bays.
- (h) Driveway standards. Twelve feet wide, four feet from property lines.
- (i) Curbing. City standards or modified wedge curb and gutter (see detail).
- (j) Stormwater drainage. Drain to master drainage areas in parks and recreational area set aside for such use.
- (k) Utilities. The following utilities, as available to the site, shall service each residential parcel: electricity, telephone, cable service, natural gas, city water, city sewer or city approved alternative ~~common~~ wastewater collection and treatment system.
- (l) Fire hydrants. Fire hydrants shall be located along streets at 500-foot intervals, subject to review of the City Fire Department.
- (m) Walls and fences at exterior boundaries. Walls or fences shall be located at exterior boundaries adjacent to arterial streets.
- (n) Landscaping.
 - 1. The landscaping of Cielo Verde will set the visual tone of this unique community. The character of the landscape will utilize a blend of native and cultivated-drought resistant plants in accordance with the city's approved plant list. These will be arranged in groupings that replicate natural settings.
 - 2. For the right-of-way areas, the density and sizes of materials as stated in the ordinance will be utilized. However, the landscape materials will be arranged in natural groupings and spacing. The plants will not be placed on specific center-to-center dimension.
 - 3. The major open spaces will utilize the same concept as above. The informal groupings of arid adapted plants will be combined with accent

areas of turf. Turf will be utilized in small areas that will be useful and functional to the residents. The quantity and sizes of the plantings will conform to the city landscape ordinance requirements (Article 20) but the groupings will be natural in appearance.

~~4. The homeowners' association guidelines and specific City Landscape ordinance requirements will govern the residential areas and individual homes.~~

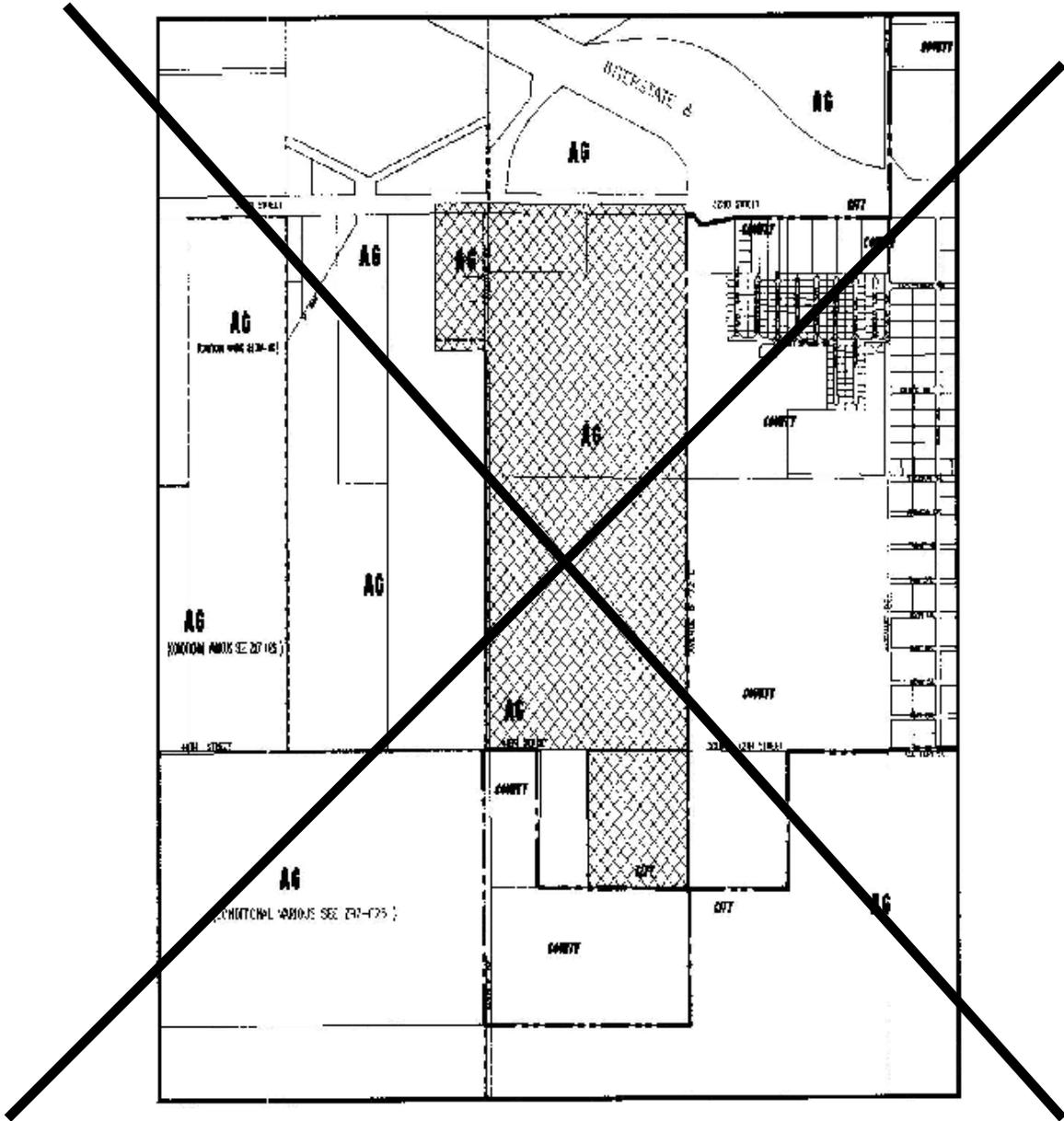
- (o) Design. Side entry garages for site built single-family homes shall incorporate additional architectural treatments such as windows, pop-outs or other architectural features to enhance the street-side appearance. The design shall be subject to the review and approval of the Department of Community Development.

~~(H) (I) Cielo Verde Manufactured Housing Park District.~~

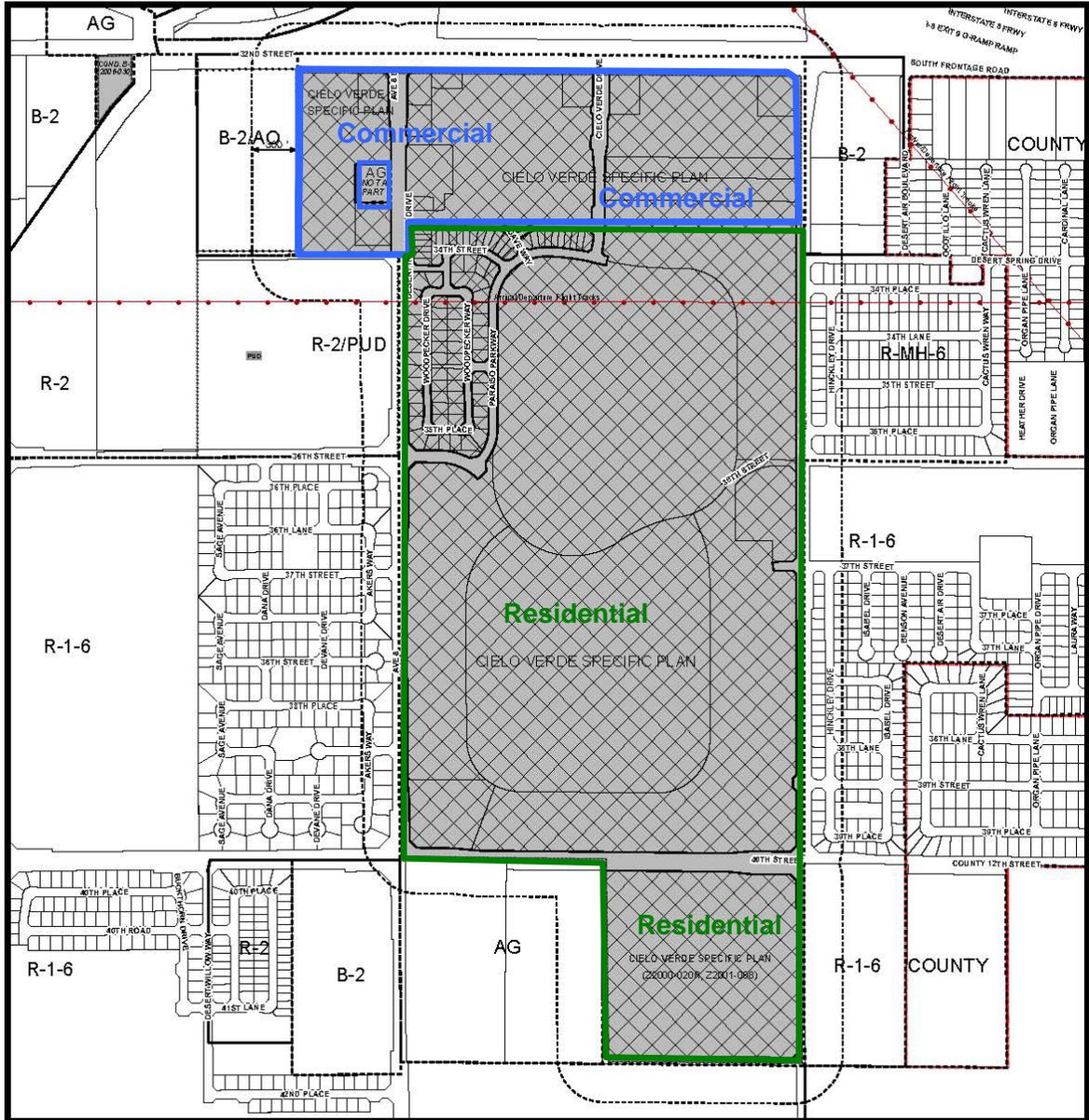
- (1) Primary uses.
 - (a) Manufactured home parks;
 - (b) Recreational vehicle parks;
 - (c) Private parks, recreation areas and facilities;
 - (d) Recreational vehicle cooperatives;
 - (e) Public schools, parks and recreation facilities;
 - (f) Child day care services, small;
 - (g) Residential care facility, small; and
 - (h) Nursing and personal care facility, small.
- (2) Accessory uses.
 - (a) Accessory buildings, structures and uses in manufactured home parks such as vestibule, carport, garage, storage or recreation facilities and joint boat and trailer storage areas;
 - (b) Overflow recreational vehicle parking (dry camps), not to exceed 20% of the total number of manufactured home and recreational vehicle spaces; and
 - (c) Home occupation.
- (3) Development standards.
 - (a) Minimum park area. Three acres (A lot, parcel or tract of land less than three acres may be rezoned if it adjoins existing similar zoning).
 - (b) Maximum one unit per lot. There shall be not more than one manufactured home per each manufactured home space. The location of recreational vehicles on a manufactured home space for human occupancy is permitted provided it is the only occupied unit on the space, and also provided that the unit is self-contained or that restrooms and shower facilities are provided.
 - (c) Minimum services and equipment. All manufactured homes shall be equipped with toilet, bath and kitchen facilities and shall be connected to a sanitary sewer. Water, electrical and telephone service shall be provided.
 - (d) Unit rental space sizes.
 - 1. Manufactured home park.
 - a. Minimum per space. One thousand eight hundred square feet minimum per manufactured home space;
 - b. Minimum width. Thirty feet; and
 - c. Minimum depth. Sixty feet.
 - 2. Recreational vehicle park and recreational vehicle cooperative.
 - a. Minimum per space. Minimum area of 1,200 square feet per recreational vehicle space;
 - b. Minimum width. Twenty-five feet; and
 - c. Minimum depth. Forty-eight feet.
 - (e) Streets.
 - 1. Local street width. Twenty-two feet; and
 - 2. Street corners. Twenty-five feet.

- (f) Curbing. City standards or modified wedge curb and gutter.
- (g) Off-street parking.
 1. For manufactured housing parks. Minimum two parking spaces per lot; and
 2. For recreational vehicle parks and recreational vehicle cooperatives. Minimum one parking space per lot.
- (h) Walls and fences at exterior boundaries. Walls surrounding the exterior perimeter of manufactured home park neighborhoods shall be provided at a minimum height of six feet.
- (i) Utilities. The following utilities, as available to the site, shall service each residential parcel: electricity, telephone, cable service, natural gas, city water, city sewer or city approved alternative ~~common~~ wastewater collection and treatment system.
- (j) Fire hydrants. Fire hydrants shall be located along streets at 500-foot intervals, subject to review of the City Fire Department.
- (k) Washroom and laundry facilities. Washroom and laundry facilities shall be provided in enclosed structures.
- (l) Park manager accommodations. One dwelling unit or manufactured home will be permitted for the use of the park manager or cooperative; such building may also include a management office.
- (m) Refuse collection areas. Shall be provided at centralized locations for convenient access.
- (n) Minimum recreation areas. Open space and recreational areas to be not less than 5% of total area devoted to manufactured home development.
- (o) Lighting.
 1. Lighting for this district will continue the theme of Cielo Verde. The park pathways and some selected areas of the open spaces will be illuminated with low-level pathway lights.
 2. The individual residences will have illuminated addresses to light the residential areas.
 3. Interior streets will have limited lighting. All intersections will be lighted.
- (p) Stormwater drainage. Stormwater drainage shall be provided in accordance with final approved plat plan.
- (q) Management. The park manager or cooperative association shall be responsible for the management and maintenance of all private streets and facilities as specified herein.
- (r) **Setbacks from the periphery of the park.**
 1. Front yard. Five feet;
 2. Side yard (including street side). Five feet; and
 3. Rear yard. Five feet.
- (s) Separation. **As required in Building Safety Code or by development agreement. ~~Six-foot separation shall be provided between any two units and their projecting elements (awnings, pop-outs and the like).~~**
- (t) Maximum height. Maximum height of buildings is 20 feet.
- (u) Visibility. All structures located at the corner of public streets shall comply with the visibility triangle requirements of the zoning code. See § 154-06.04(F)(5) through (F)(9).
- (v) Tie downs. All manufactured homes and park model recreational vehicles in manufactured home or recreational vehicle parks shall be anchored to comply with wind and seismic standards as adopted by the city.
- (w) Landscaping. Landscaping for this section of the project will maintain the same character as the rest of Cielo Verde. Planting will utilize the same plant palette, informal groupings and densities. Densities of plants and sizes will be as required by the city landscape ordinance (Article 20). Spacing of the plants will be based upon natural groupings and the growth characteristics of each plant.

Cielo Verde Specific Plan Map (existing in Appendix A)



Cielo Verde Specific Plan Map (proposed in Appendix A)



ATTACHMENT B
NEIGHBORHOOD MEETING COMMENTS

Date Held: 03-05-2014

Location: Cielo Verde Sales Office,
3477 S. Woodpecker Way

Attendees: Developers: Bruce Jacobson, Chris Hall; City staff: Bob Blevins, Bruce Heckman;
+ 14 neighboring residents for a total of 21 persons in attendance.

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

- Jacobson(J): Development called an "RV park" but will be a destination like Yuma Palms. Mostly 1,000-1,200 square foot homes. Discussed location and amenities of RV park club house, pool, and bowling alley.
- Neighbor(N): Is it a nice park- no ghetto?
(J): Nice RV park, same owners as Las Quintas Oasis, transitional living around RV park type of homes. RV Park Phase II won't change much. We are grading now on RV Park. Completed by October, only entrance on Avenue 8 1/2E.
- N: Will it be gated RV park access?
J: 522 maximum dwellings.
N: They will have a lot more amenities than we have.
- (N): Will 36th Street go thru?
(J): RV park 2nd access point will be a locked gate. Not usable except for fire. Might bring homes thru that gate. RVs 1st couple of years then RVs go away.
- N: What is City doing with 40th Street. Big selling point was the intimacy. We already have a racetrack in the back way.
- N: I live in phase 2, reasons I bought was Wal-mart and also a park. Any plans for that?
J: City at one time wanted soccer fields. Sometime in the last year legislation that City cannot go with that setup. Neighborhood park amenities, need to maintain it. Won't consent to homeowner's association. All of City documents show a neighborhood park. Walking paths. Redesigned road system and included in park. What we put in - we don't know.
- N: How do you foresee RV park affecting property values?
J: Going up because of the quality and value of the RV Park. We will have resources for other improvements we want to finish up but waiting for the City to make up their mind about the park.
- N: Cielo Verde landscaping is covered with dirt.
N: Same at Sierra Montana. When customers come it is the first impression.
J: Also we are building a wall along 8 ½ E to the church and to the west to cut down on sand and wind.
N: We love it here.
J: We will clean up landscaping. The plans are in to the city for (Phase II?), reviewer said it was too much landscaping and was rejected by the City.

ORDINANCE NO. O2014-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, APPENDIX A: CIELO VERDE SPECIFIC PLAN, TO REMOVE SOME AMBIGUOUS WORDING, BETTER ORGANIZE THE PERMITTED USES, AND ENSURE THE ZONING ORDINANCE TEXT BETTER MATCHES THE ASSOCIATED SUBDIVISION PLAT AND DEVELOPMENT AGREEMENTS

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on April 14, 2014, in Zoning Case No: ZONE-5373-2014 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning 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 March 21, 2014; and,

WHEREAS, The City Council has considered the recommendation of the Planning and Zoning Commission regarding Case No: ZONE-5373-2014 and finds that the zoning code text amendment fulfills the goals and objectives of the Yuma General Plan, and is in basic harmony with the goals and objectives of the City of Yuma Zoning Code.

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

SECTION 1: Yuma City Code, Title 15, Chapter 154, Appendix A, is amended to read as follows where bold strikethrough indicates deleted text and bold text indicates the addition of text:

. . . (B) Project description

. . .

- (2) The project takes advantage of the existing topography of the site by providing a linear park ~~for the common use of the residents~~, which follows existing drainage contours of the site. The land plan minimizes major earth moving for stormwater control and provides a significant community amenity which doubles as a recreation area for its residents and guests.
- (3) **Common Designated** areas are planned to contain open space, ramadas, security lighting, landscaping and linear walking paths throughout the project. Other active recreation activities and structures (putting greens, tennis courts, a recreation center, for example) may be added ~~to the common areas~~. Alternate uses are contemplated in most areas to provide flexibility in order to respond to evolving market demands in the future.

. . .

(C) Policies.

...

(2) Design policies.

...

- (f) To provide **common designated** automotive parking areas which facilitate both vehicular and pedestrian movements;

...

(D) Concepts.

(1) Neighborhood concept.

- (a) Cielo Verde is a master-planned development designed to create a sense of traditional community ~~not typically found in new subdivisions today~~. While streets are amply designed to accommodate circulation of the largest recreation vehicles and delivery of manufactured housing units, as well as fire and municipal service vehicles, the emphasis is on pedestrian and other non-automotive transportation modes.

...

- (3) Open space/recreation concept. As presently envisioned in the Master Plan, community facilities may include a recreation center with indoor/outdoor pool, wading pools, rooms for crafts and social functions, dance floor, auditorium and stage with outdoor bandstand seating, tennis, shuffleboard, volleyball and baseball playing areas, and playgrounds and other social and athletic facilities. **Common Designated** areas accessible to and available for use by all the residents include a linear park significantly exceeding the minimum required proportionate amount of site area, which connects the neighborhoods with walking and bicycling trails.

...

(H) Cielo Verde Residential District.

(1) **Primary uses. Purpose**

- (a) Individual neighborhood developments may be produced in the form of subdivided lots or as operating rental parks. These alternate forms of development are intended to provide flexibility in order to respond to evolving market demands in the future. Operating rental parks may be subdivided into lots at future times in compliance with City of Yuma Subdivision Regulations. Subdivided lots may be rented and collectively operated as rental parks, with individual lots owned by the developer or by the homeowner.

...

~~(b)~~ (2) Primary uses permitted in the Cielo Verde Residential District include the following:

- ~~1.~~ (a) Recreational vehicle subdivisions;
- ~~2.~~ (b) Park models, including such units exceeding 400 square feet. Currently referred to as “super park models” or “vacation homes”;
- ~~3.~~ (c) Manufactured homes;
- ~~4.~~ (d) Site built dwellings;
- ~~5.~~ (e) Lot size requirements and square feet per unit type, are subject to development standards;
- ~~6.~~ (f) Low and medium density multi-family dwellings;
- ~~7.~~ (g) Small and large residential care facilities;

- ~~8.~~(h) Home occupations;
- ~~9.~~(i) Accessory buildings, structures and uses such as a vestibule, carport, garage, noncommercial storage facilities, boat and trail storage areas;
- ~~10.~~(j) Accessory uses of buildings or structures incidental to any permitted use;
- ~~11.~~(k) Golf courses, community swimming pools, tennis courts, shuffleboard courts, softball and volleyball areas and any other recreational or community facilities, as may be warranted by community interests;
- ~~12.~~(l) Open space, parks, linear parks, outdoor performance amphitheater, outdoor/indoor seasonal festival activities and recreational facilities;
- ~~13.~~(m) Municipal water production and storage facilities; municipal sewage treatment plants; municipal facilities for the collection, transfer and disposal of solid waste;
- ~~14.~~(n) Stormwater storage facilities and retention areas; and
- ~~15.~~(o) A religious institution, including related buildings and activities, located on Parcel 15 only of the recorded Cielo Verde plat, at the southwest corner of 36th Street and Avenue 8-1/2 E;
- (p) Recreational Vehicle Parks;**
- (q) Manufactured Home Parks.**

(2) Development standards.

- (e) Off-street parking. One parking space, as defined in Article 16 of this chapter, shall be provided for each parcel for a recreation vehicle subdivision use, and shall not be located within any public or private drive or street or other access way. Said parking shall be paved with a durable, dust-free surface, and shall be located within either 50 feet of the residential use being served or within a **common designated** parking area. No parking space shall be located within the minimum street setback as specified herein. A minimum of one visitor parking space shall be provided for each five recreation vehicle subdivision parcels. All other uses shall provide off-street parking as required by Article 16 of this chapter.

...

- (k) Utilities. The following utilities, as available to the site, shall service each residential parcel: electricity, telephone, cable service, natural gas, city water, city sewer or city approved alternative **common** wastewater collection and treatment system.

...

- (n) Landscaping.

...

~~4. The homeowners' association guidelines and specific City Landscape ordinance requirements will govern the residential areas and individual homes.~~

...

- (I) Cielo Verde Manufactured Housing Park District.

...

- (3) Development standards.

- ...
- (i) Utilities. The following utilities, as available to the site, shall service each residential parcel: electricity, telephone, cable service, natural gas, city water, city sewer or city approved alternative ~~common~~ wastewater collection and treatment system.
- ...
- (r) Setbacks **from the periphery of the park.**
 1. Front yard. Five feet;
 2. Side yard (including street side). Five feet; and
 3. Rear yard. Five feet.
 - (s) Separation. **As required in Building Safety Code or by development agreement. Six feet separation shall be provided between any two units and their projecting elements (awnings, pop-outs and the like).**
- ...

SECTION 2: That the Yuma City Code Title 15, Chapter 154 Appendix A is amended to substitute the Cielo Verde Specific Plan map attached as Exhibit A, and by reference made apart hereof, in place of the Cielo Verde Specific Plan map previously adopted on June 20, 2001.

SECTION 3: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2014.

APPROVED:

Douglas J. Nicholls
Mayor

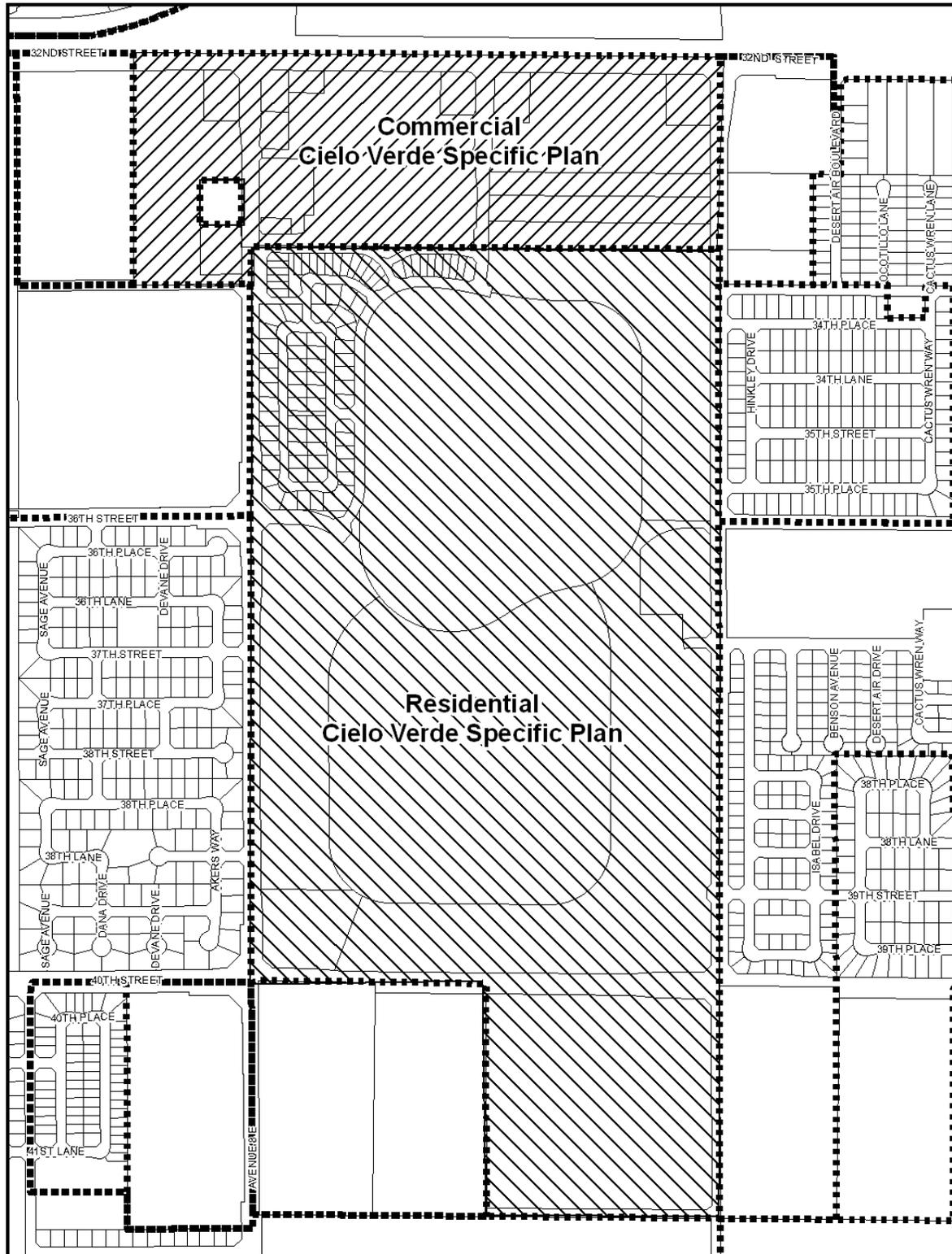
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

Steven W. Moore
City Attorney

Exhibit A
Cielo Verde Specific Plan





City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE: August 27, 2014

DEPARTMENT: Community Development

DIVISION: Community Planning

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

TITLE:
Zoning Code Text Amendment: Mobile Food Vending

SUMMARY RECOMMENDATION:
Amend Title 15, Chapter 154 to provide definitions and regulations for mobile food vendors.

REPORT:
Clerk's Note: This item was introduced at the July 2, 2014, Regular City Council meeting and was scheduled for adoption at the July 16, 2014, Regular City Council meeting. At that time, Council considered and voted on modifications to the Ordinance and continued it to the August 6, 2014, Regular City Council meeting for re-introduction.

On June 9, 2014, the Planning and Zoning Commission voted to recommend APPROVAL (6-0, with Brockington absent) of the request to amend Title 15, Chapter 154 (Sections: 01.07, 02.02, 08.02, 08.03, 08.04, 09.01, 09.02, 09.03, and add Sections 15.13 and 15.14) to provide definitions and regulations for mobile food vendors.

Background Information:

Mobile food vending has been a unique sector of the food service industry in Yuma for decades. Recently, mobile food vending has become very popular across the nation, and that popularity has been reflected locally. Mobile food vending is not addressed by the City zoning code. The Business License Code allows itinerant uses for a maximum of nine calendar days per year. Any permanent (more than nine days) mobile food vendor is being regulated by standards designed for brick-and-mortar restaurants. Due to the functional differences between mobile food vending and site-built restaurants, a new set of regulations specifically addressing mobile food vendors is needed to prevent burdening this industry. The proposed text amendment addresses mobile food vending with regulations that directly relate to how that industry operates.

Additional Discussion with the Planning and Zoning Commission:

After the June 9th Planning and Zoning Commission meeting, staff met to consider and discuss the Commission concerns and comments. The main staff concern was the 200' distance between mobile food vendors and bricks-and-mortar restaurants. The staff tested the distance on both 4th Avenue and 8th Street and discovered that the 200' distance from the property line of a mobile food vendor to the property line of a bricks-and-mortar restaurant would eliminate all possible locations for mobile food vendors along both of those busy city streets. As a result of that finding, staff again discussed the mobile food vendor ordinance with the Planning and Zoning Commission at their June 23rd meeting. The Commission agreed that the 200' distance would not work and supported the alternate recommendation of 100' distance from the restaurant front door to the actual mobile food vendor unit. The attached ordinance has been amended to reflect this 100' distance requirement.

PUBLIC COMMENTS - EXCERPT FROM THE JUNE 9TH PLANNING AND ZONING COMMISSION MEETING MINUTES:

QUESTIONS FOR STAFF

“David Koopmann – Planning and Zoning Commissioner, asked why portable restrooms would not be recognized as a required restroom. **Douglas Thomsen – Associate Planner,** said this was something that the building safety department helped work on. All restrooms were required to be ADA accessible. Most mobile food vendors would be located on a developed site with restrooms, and if one was not available, the vendor would have to relocate. **Koopmann** said he did not think most sites would have a restroom available. Portable restrooms were built to be ADA accessible and were probably better than most restrooms around the city, and asked if Staff thought a permanent restroom would be a barrier to business. **Thomsen** said the text amendment was before the Commission to determine what requirements were appropriate. **Laurie Lineberry - Community Development Director,** stated that Staff looked at portable restrooms and determined that having portable restrooms all over the city would not be acceptable. It was up to the Commission to recommend what requirements to place upon mobile food vendors.

“Koopmann asked where the requirement for three paved parking spaces came from. **Thomsen** said it was subjective, based on similar codes in other cities. **Koopmann** asked if undeveloped lots could be used. **Thomsen** said regardless of the text amendment, in order to use the lot, it would have to be developed to code. **Koopmann** asked if only one mobile food vendor per lot was the maximum. **Thomsen** said any more than one would require a conditional use permit to be heard before the Hearing Officer.

“Richard Sorenson – Chairman Planning and Zoning Commission, asked if Staff visited the vendors around town to see how they were currently operating. **Thomsen** said most of the mobile food vendors were not within the city limits, though they may appear to be located in the city. **Lineberry** stated that the city was located in a PM-10 Attainment area, and due to Federal EPA requirements, all parking and driving surfaces were required to be paved.

“Chris Hamel – Planning and Zoning Commissioner, asked if there was some type of identification placed upon a business in order to allow patrons to determine if a mobile food vendor was located in the City or County. **Thomsen** said that may be something that could not be enforced.

“Sorenson asked if there were any differences between the City and County regarding sanitation. **Lineberry** said the Yuma County Health Department was in charge of that.

“Del Cave – Planning and Zoning Commissioner, asked if there would be any uses grandfathered. **Thomsen** said anything legally existing could stay. **Lineberry** said the only way any businesses would be grandfathered would be if they existed legally, prior to the code amendment.

“**Koopmann** asked what was driving this text amendment. **Thomsen** said this was becoming a popular trend in larger cities and Staff felt this would be appropriate because the City needed some standards rather than relocating mobile food vendors to the outskirts of town. **Koopmann** said mobile food vending was part of the cultural landscape for decades, if not centuries. These requirements were a barrier to business and were preventing people from becoming successful entrepreneurs. **Thomsen** said the current code was restrictive and these types of businesses required some type of regulation. **Koopmann** asked about the locations these businesses could occupy. **Thomsen** said there were many places they could locate. One of the requirements that varied by city was the requirement for distance from an existing restaurant.

“**Cave** said if there was a large city it would be likely that there would be paved areas with restrooms. In cities such as Yuma, there were not as much paving and vendors would have to do a lot of site improvements in order to open a business. **Thomsen** said it was Staff’s wish to have these vendors become an accessory use to existing businesses. Additionally, Staff would not allow temporary buildings for offices to open up on undeveloped lots. **Cave** asked if the existing food vendors went through this process. **Thomsen** stated that many of those were located in county pockets and all operated to County standards.

“**Clinton Underhill - Planning and Zoning Commissioner**, asked if an existing restaurant could park a mobile unit to provide food to customers. **Thomsen** said that did not appear to be a problem.

APPLICANT / APPLICANT’S REPRESENTATIVE

None

PUBLIC COMMENT

“**Raymond Estrada - Mobile Food Vendor, Yuma, Arizona**, stated he was a mobile food vendor that set up for three hours a day in the same location. He had a business license from the City for about 16 years and now he could no longer conduct business within city limits and wanted to know why. **Lineberry** stated that a current mobile food vendor permit only permitted vendors to sell for nine days per calendar year. This proposal would remove that restriction. **Shelly Hook - Development Project Coordinator**, said there was an incident with another food vendor that received a code violation. The violator then informed Staff that **Estrada** was in violation as well. The current code did not permit mobile food vending for more than nine days per year.

“**Hamel** asked if the city had to authorize vendors at each property. **Thomsen** said that would be between the property owner and vendor. (An approved business license was required and Staff would review each vendor at that point in time).

“**Underhill** asked if there was a specific way the license would look or if there would be specific text that stated the business was a mobile food vendor. **Thomsen** said the licenses would be reviewed site-by-site, but there would not be a fee for multiple sites for transient food vendors. There would be a different license issued for both mobile food vending and transient food vendors. **Underhill** said that was still the same use. **Hook** said the zoning code did not address this right now, but the business license code does. Whatever was recommended to council, Staff would bring the same changes to the business license code. **Hamel** asked how property owner permission was verified. **Hook** said a letter from the property owner using their letterhead.

“**Koopmann** asked if transient food vendors required restrooms. **Thomsen** said Staff saw a transient food vendor supplying food to workers at a place of employment. There was nothing in the text that stated a transient vendor was required to be located on a property with a business, but facilities were still required. **Sorenson** asked if transient vendors were required to park on cement. **Thomsen** said they were still required to park on a paved surface. **Sorenson** asked how special events were conducted and whether they were different licenses issued. **Thomsen** said special event licenses were completely different. This license would be a permanent license, while special event licenses would not be permanent.

“**Cave** said it was a good thing that Staff was proposing this text amendment and he felt this would come back a number of times to be refined. **Koopmann** said he had problems with barriers to business. He felt that a portable restroom could be just as good, if not better, than permanent facilities. He used them for special events and they had hand washing areas and met ADA requirements and could not see why they were not a valid option. **Cave** asked if **Koopmann** was recommending modification of the proposed text amendment. **Koopmann** said yes. **Lineberry** said Staff would prefer no restroom requirement rather than portable restrooms permanently located in parking lots. **Koopmann** said portable units could be rented that look nicer than most in Yuma. **Lineberry** said there were enforcement issues with keeping portable restrooms sanitary. **Koopmann** said the same issue was in every restaurant around the city. **Lineberry** said a business or building owner would keep their building clean. **Koopmann** said he felt the mobile food vendors would do the same. **Lineberry** said Staff did not support a myriad of portable restrooms in parking lots throughout the city. They were brought in for special events and then removed. There was a big difference with portable restrooms being a permanent fixture on a site versus in place for a couple of days. **Rodney Short - Assistant City Attorney**, said the proposal required all structures to be removed. The mobile food vendor would have to bring ADA accessible portable restrooms every day and break them down every night, which may end up being cost prohibitive. **Underhill** agreed with **Cave** and said he liked the progress thus far, but stated if there would be leniency with restrooms for a mobile food vendor he hoped there would also be leniency with brick-and-mortar restaurants as well.

Koopmann said if this were passed, he hoped that there would not be a mass exodus of food vendors from the city into the county. **Sorenson** said he agreed.

MOTION

“**Motion by Conde, second by Underhill, to APPROVE Case Number ZONE-5868-2014. Motion carried unanimously (6-0).**”

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			

ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK:			
	1. 2. 3. 4. 5.			
IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL?				
<input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office				

SIGNATURES	CITY ADMINISTRATOR:	DATE:
	Gregory K. Wilkinson	6/24/2014
	REVIEWED BY CITY ATTORNEY:	DATE:
	Steven W. Moore	6/24/2014
	RECOMMENDED BY (DEPT/DIV HEAD):	DATE:
Laurie L. Lineberry	6/16/2014	
WRITTEN/SUBMITTED BY:	DATE:	
Doug Thomsen	5/29/2014	

ORDINANCE NO. O2014-20

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, AMENDING CHAPTER 154 OF THE YUMA CITY CODE, AS AMENDED, RELATING TO ZONING REGULATIONS, TO ADD DEFINITIONS FOR MOBILE FOOD VENDING OPERATIONS, ADD PROVISIONS TO ALLOW MOBILE FOOD VENDING, AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF

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

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on June 9, 2014, in Zoning Case No: ZONE-5868-2014 in the manner prescribed by law for the purpose of amending the City of Yuma Zoning 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 May 13, 2014; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding Case No: ZONE-5868-2014 and finds that the zoning code text amendment fulfills the goals and objectives of the Yuma General Plan, and is in basic harmony with the goals and objectives of the City of Yuma Zoning Code.

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

SECTION 1: That the Yuma City Code, Title 15, Chapter 154, Section: 01.07 Definitions be amended to insert the following text:

FOOD VENDING UNIT. Any motorized or non-motorized vehicle, trailer, kiosk, pushcart, or stand, not permanently attached to the ground from which only food is peddled, vended, sold, served, displayed, offered for sale or given away. Each motorized or non-motorized vehicle, trailer, kiosk, pushcart, or stand is considered a separate Food Vending Unit.

FOOD TRUCK. A ***FOOD VENDING UNIT*** operated by either a ***MOBILE FOOD VENDOR*** or a ***TRANSIENT FOOD VENDOR***. In any zoning district that a ***FOOD TRUCK*** is listed as an accessory use, it is recognized as accessory to any permitted principal use in that zoning district.

MOBILE FOOD VENDOR. Any person who sells, serves, offers for sale, or gives away only food from a ***FOOD VENDING UNIT*** which is parked or located on one lot of record throughout the day with customers traveling to the food vendor. This term does not include a person who operates as a ***TRANSIENT FOOD VENDOR***.

Mobile Food Vendors can be a Primary Use, an Accessory Use, or an Interim Use in a zoning district, as noted in each district.

If a Primary Use Mobile Food Vendor, the owner must comply with all site improvement standards as required by code for new construction on a vacant site (including setbacks, lot coverage, paved parking, lighting, landscaping, storm drainage, etc.) and must provide permanent restroom facilities, permanent seating area, and a way to secure the site. Primary Use Mobile Food Vendors are exempt from the following regulation: Title 15, Chapter 154, Article 15, Section 15.13, (B)(1)(b).

If an Accessory Use Mobile Food Vendor, the owner must comply with regulations as outlined in Title 15, Chapter 154, Article 15, Section 15.13.

If an Interim Use Mobile Food Vendor, the owner must comply with regulations as outlined in Title 15, Chapter 154, Article 15, Section 15.13. An Interim Use Mobile Food Vendor shall be allowed for a period not to exceed one year and may be exempt from the following regulation: Title 15, Chapter 154, Article 15, Section 15.13, (B)(1)(b).

If an Interim Use Mobile Food Vendor is on a site longer than 1 year, the rules and requirements for the Mobile Food Vendor as a Primary Use apply and shall be met in order to be a legal use on the site.

If an Interim Use Mobile Food Vendor is on a site and the vacant building on-site becomes occupied (Primary Use), the Mobile Food Vendor is then considered an Accessory Use on the site and all provisions of Title 15, Chapter 154, Article 15, Section 15.13 apply.

MOBILE VENDING SITE. The lot of record where the **FOOD VENDING UNIT** is located.

TRANSIENT FOOD VENDOR. Any person who sells, serves, offers for sale, or gives away only food from a **FOOD VENDING UNIT** that visits one or multiple lots of record on a daily basis for no more than 3 hours per site per day, changing locations throughout the day to transact with customers.

SECTION 2: That the Yuma City Code, Title 15, Chapter 154, Section: 02.02 Hearing Officer be amended to delete the strikethrough text and insert the bolded text:

(B) *Authority.* The Hearing Officer shall have the following authority;

(1) To hear and decide applications for:

(a) Variances;

(b) Temporary uses;

- (c) Expansion of nonconforming uses or structures;
- (d) Revocation of modification of variances; ~~and~~
- (e) Conditional use permits for soil remediation, ~~and for~~ uses requiring a federal or state permit that are not otherwise listed **and the location of multiple Food Vending Units at a Mobile Vending Site; and**
- (f) Time extension of conditional use permits (only if there are not changes made to the previously approved CUP).

(F) *Conditional Use Permits.*

- (1) The Hearing Officer is responsible for the review and determination of conditional use permits related to soil remediation, time extension and for any use that requires a state or federal permit. ~~All conditional use permit decisions are appealable to the City Planning and Zoning Commission.~~
- (2) **The Hearing Officer is responsible for the review and determination of conditional use permits for the location of multiple Food Vending Units at a Mobile Vending Site. The Hearing Officer may include conditions which address site improvements, traffic issues, daily operation hours or any other conditions deemed necessary for the public safety, health and welfare.**
- (3) **All conditional use permit decisions are appealable to the City Planning and Zoning Commission.**

SECTION 3: That the Yuma City Code, Title 15, Chapter 154, Section: 08.02 Planned Shopping Center District (PSC) be amended to insert the bolded text:

(C) *Permitted accessory uses.*

- (1) Seasonal itinerant vendors of specific products associated with certain civic, patriotic and/or religious holidays/events;
- (2) **Food Truck.**

(D) *Conditional uses.*

- (1) **Multiple Food Trucks on one property.**

(E) *Procedural regulations.* The PSC Zoning District may be established and made a part of the zoning district maps pursuant to § 154-03.03 of this chapter prior to approval of a plan of development. However, before building permits can be issued, a plan of development shall be submitted and approved in accordance with § 154-03.07 of this chapter.

(F) *Property development standards.* The following minimum standards shall apply to all property developed within the PSC Zoning District.

SECTION 4: That the Yuma City Code, Title 15, Chapter 154, Section: 08.03 Limited Commercial District (B-1) be amended to insert the bolded text:

(C) *Permitted accessory uses.*

(6) Seasonal itinerant vendors of specific products associated with certain civic, patriotic and/or religious holidays/events

(7) Food Truck.

(D) *Interim uses.*

(1) Food Truck.

(E) *Conditional uses.*

(13) Mortuaries, crematory, funeral parlors, or columbariums;

(14) Multiple Food Trucks on one property.

(F) *Property development standards.* To meet the purpose of the district, all uses shall comply with the following minimum development standards.

SECTION 5: That the Yuma City Code, Title 15, Chapter 154, Section: 08.04 General Commercial District (B-2) be amended to insert the bolded text:

(B) *Permitted principal uses.*

(26) Seasonal itinerant vendors of specific products associated with certain civic, patriotic and/or religious holidays/events;

(27) Food Truck.

(C) *Permitted accessory uses.*

(4) Farmers Market, subject to the following requirements which shall be in addition to the development standards specified by this subchapter:

(5) Food Truck.

(D) *Interim uses.*

(1) Food Truck.

(E) *Conditional uses.*

(11) Mortuaries, crematory, funeral parlors, and columbariums;

(12) **Multiple Food Trucks on one property.**

(F) *Property development standards.* To meet the purpose of this district, all uses shall comply with the following minimum development standards.

SECTION 6: That the Yuma City Code, Title 15, Chapter 154, Section: 09.01 Industrial Park District (I-P) be amended to delete the strikethrough text and insert the bolded text:

(C) *Permitted accessory uses.*

(7) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses; ~~and~~

(8) The use of lattice tower structures for personal wireless communication facilities is permitted; ~~and~~ **and**

(9) **Food Truck.**

(D) *Interim uses.*

(1) **Food Truck.**

(E) *Conditional uses.*

(F) *Property development standards.* To meet the purpose of this district, all uses shall comply with the following minimum development standards.

SECTION 7: That the Yuma City Code, Title 15, Chapter 154, Section: 09.02 Light Industrial District (L-I) be amended to delete the strikethrough text and insert the bolded text:

(C) *Permitted accessory uses.*

(5) Personal wireless communication facilities are not permitted in conjunction with legal nonconforming uses; ~~and~~

(6) The use of lattice tower structures for personal wireless communication facilities is permitted; ~~and~~ **and**

(7) **Food Truck.**

(D) *Interim uses.*

(1) **Food Truck.**

(E) *Conditional uses.*

(F) *Property development standards.*

SECTION 8: That the Yuma City Code, Title 15, Chapter 154, Section: 09.03 Heavy Industrial District (H-I) be amended to delete the strikethrough text and insert the bolded text:

(C) *Permitted accessory uses.*

(1) **Food Truck.**

(D) *Interim Uses.*

(1) **Food Truck.**

(E) *Conditional uses.* Any of the following uses may be established or operated as a conditional use upon application and approval by the Planning and Zoning Commission:

(F) *Property development standards* To meet the purpose of this district, all uses shall comply with the following minimum development standards.

SECTION 9: That the Yuma City Code, Title 15, Chapter 154, Article 15 General Provisions be amended to create the following section (15.13) Mobile Food Vending thereof:

(A) *Site Restrictions*

(1) A Mobile Food Vendor on private property shall be subject to the following site restrictions:

(a) Mobile Food Vendors shall operate only upon paved surfaces, not within any required retention areas, and shall not block drive aisles or required parking spaces (§154-16).

(b) Each Mobile Food Vendor must maintain a minimum of three paved parking spaces on the site designated for their customers' vehicles. These spaces are in addition to what is required for any existing business at the Mobile Vending Site operating during concurrent hours. Tables and chairs may be used but cannot be located in required parking spaces.

(c) Mobile Food Vendors shall operate only at sites that provide access to a restroom that meet current City of Yuma Building Codes. Portable restrooms will not be recognized as a required restroom. This

restroom must be available to the Mobile Food Vendor(s) and their customers.

- (d) The use of signs on the Food Vending Unit and any associated vehicles may not break/ extend beyond the silhouette of the vehicle. All Mobile Food Vendors are subject to the City of Yuma Sign Regulations (§154-17). A mobile menu board located no further than five feet from the Food Vending Unit is allowed, but may not be placed upon or block any public sidewalk.
- (e) Food Vending Units shall not be located within:
 - 1. 20 feet of any street right-of-way;
 - 2. any visibility triangle;
 - 3. 300 feet of the beginning of a freeway entrance ramp and the ending of a freeway exit ramp;
 - 4. 125 feet of a residentially zoned property or residential use;
 - 5. 150 feet of a customer entrance of a business that has a primary use classified as restaurant; or
 - 6. 300 feet of any school property.
- (f) Mobile Food Vendors shall obtain and maintain written permission from the property owner(s) to use the property on which the Food Vending Unit is located. A copy of the written permission shall be provided to the City of Yuma on an annual basis in order to renew the business license, and shall be kept visible to the public, along with the current business license, in the Food Vending Unit.
- (g) Mobile Food Vendors shall obtain and maintain a “Mobile Food Unit Permit” from the Yuma County Health Department. A copy of this permit shall be provided to the City of Yuma on an annual basis in order to renew the business license. Upon revocation of the Yuma County Health Department permit, the City of Yuma business license will be suspended, whether temporarily or permanently.
- (h) Only one Mobile Food Vendor is allowed to operate one Food Vending Unit at a Mobile Vending Site. A conditional use permit, heard and decided by the Hearing Officer, is required for more than one Mobile Food Vendor or Food Vending Unit to locate at a Mobile Vending Site.

- (i) Exemptions. These provisions do not apply to itinerant vendors of non-food related items or seasonal itinerant vendors, as defined in §154-01.07.

(B) *Operational Restrictions.*

- (1) Mobile Food Vending on private property shall be subject to the following operational restrictions:
 - (a) Mobile Food Vendors shall not operate between the hours of midnight and 5:00 a.m.
 - (b) All Food Vending Units shall be removed from the Mobile Vending Site during the hours of non-operation. Any accessory structure(s) used and/or associated with the food vending operation shall also be removed from the Mobile Vending Site during hours of non-operation. This means that all Food Vending Units and their structures shall be removed from the Mobile Vending Site no later than midnight.
 - (c) The site upon which a Food Vending Unit is operating shall at all times be kept clean and free from litter, garbage, rubble and debris. The Mobile Food Vendor is required to provide their own trash can and to dispose of their own trash at appropriate places. This means that the food vendor(s) have the responsibility of maintaining a clean site, even if their customer(s) are not making the mess.
 - (d) Mobile Food Vendors shall not use bells, chimes, microphones, generators louder than 70 decibels at 10 feet, loudspeakers, amplified music, strobe lights, spot lights or any other audible or visual disturbance as a part of its mobile vending operation.

SECTION 10: That the Yuma City Code, Title 15, Chapter 154, Article 15 General Provisions be amended to create the following section (15.14) Transient Food Vending thereof:

(A) *Site Restrictions*

- (1) A Transient Food Vendor on private property shall be subject to the following site restrictions:
 - (a) Transient Food Vendors shall operate only upon paved surfaces, not within any required retention areas, and shall not block drive aisles or required parking spaces (§154-16).
 - (b) Tables and chairs cannot be used at the Mobile Vending Site.

- (c) The use of signs on the Food Vending Unit and any associated vehicles may not break/ extend beyond the silhouette of the vehicle. All Transient Food Vendors are subject to the City of Yuma Sign Regulations (§154-17). A mobile menu board located no further than five feet from the Food Vending Unit is allowed, but may not be placed upon or block any public sidewalk.
- (d) Food Vending Units shall not be located within:
 - 1. 20 feet of any street right-of-way;
 - 2. any visibility triangle;
 - 3. 300 feet of the beginning of a freeway entrance ramp and the ending of a freeway exit ramp;
 - 4. 125 feet of a residentially zoned property or residential use;
 - 5. 150 feet of a customer entrance of a business that has a primary use classified as restaurant; or
 - 6. 300 feet of any school property.
- (e) Transient Food Vendors shall obtain and maintain written permission from the property owner(s) to use the property on which the Food Vending Unit is located. A copy of the written permission shall be provided to the City of Yuma on an annual basis in order to renew the business license, and shall be kept visible to the public, along with the current business license, in the Food Vending Unit.
- (f) Transient Food Vendors shall obtain and maintain a “Mobile Food Unit Permit” from the Yuma County Health Department. A copy of this permit shall be provided to the City of Yuma on an annual basis in order to renew the business license. Upon revocation of the Yuma County Health Department permit, the City of Yuma business license will be suspended, whether temporarily or permanently.
- (g) Only one Transient Food Vendor is allowed to operate one Food Vending Unit at a Mobile Vending Site. A conditional use permit, heard and decided by the Hearing Officer, is required for more than one Transient Food Vendor to locate at a Mobile Vending Site.
- (h) Exemptions. These provisions do not apply to itinerant vendors of non-food related items or seasonal itinerant vendors, as defined in §154-01.07.

(B) *Operational Restrictions.*

- (1) Transient Food Vending on private property shall be subject to the following operational restrictions:
 - (a) Transient Food Vendors shall not operate between the hours of midnight and 5:00 a.m.
 - (b) All Food Vending Units shall be removed from the Mobile Vending Site during the hours of non-operation. Any accessory structure(s) used and/or associated with the food vending operation shall also be removed from the Mobile Vending Site during hours of non-operation. This means that all Food Vending Units and their structures shall be removed from the Mobile Vending Site no later than midnight.
 - (c) The site upon which a Food Vending Unit is operating shall at all times be kept clean and free from litter, garbage, rubble and debris. The Transient Food Vendor is required to provide their own trash can and to dispose of their own trash at appropriate places. This means that the food vendor(s) have the responsibility of maintaining a clean site, even if their customer(s) are not making the mess.
 - (d) Transient Food Vendors shall not use bells, chimes, microphones, generators louder than 70 decibels at 10 feet, loudspeakers, amplified music, strobe lights, spot lights or any other audible or visual disturbance as a part of its mobile vending operation.

SECTION 11: It shall be unlawful for any person, firm or corporation to violate, or cause the violation of, any provision of this ordinance. Any person, firm or corporation violating any of the provisions in this ordinance shall be guilty of a class 1 misdemeanor, and upon conviction thereof shall be punished by a fine not to exceed \$1,000 or by imprisonment for not more than ten days or both fine and imprisonment. Each separate day or part thereof during which any violation of this ordinance occurs or continues shall be deemed to constitute a separate offense, and upon conviction thereof shall be punishable as herein provided.

Adopted this _____ day of _____, 2014.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Steven W. Moore
City Attorney



City of YUMA

REQUEST FOR CITY COUNCIL ACTION

MEETING DATE:

August 27, 2014

DEPARTMENT:

Community Development

DIVISION:

Community Planning

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

TITLE:

Rezoning of Property: Southeast corner of Avenue C and 16th Street, Yuma, AZ.

SUMMARY RECOMMENDATION:

Rezone approximately 19.39 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6) District. The property is located at the southeast corner of Avenue C and 16th Street, Yuma, AZ. (ZONE-6465-2014)

REPORT:

On July 28, 2014, the Planning and Zoning Commission voted to recommend APPROVAL (5-0, with Underhill absent and one vacancy) of the request to rezone approximately 19.39 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6) District for property located at the southeast corner of Avenue C and 16th Street, 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 shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the zoning action is null and void.
3. The Owner shall record an Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. The Owner/Developer shall provide a raised median covenant for Avenue C frontage and 16th Street frontage except two median breaks: one to support full subject property ingress & egress at the 37th Avenue alignment and one to support subject property ingress and egress that aligns with the YPIC property driveway/intersection located to the north, subject to concurrence with the City Traffic Engineer.

5. The Owner/Developer shall dedicate Avenue C and 16th Street right-of-way along the parent parcel in conformance with the roadways plan in effect at the time of dedication. Dedication shall be by plat or warranty deed.
6. The Owner/Developer shall provide a one-foot non access easement along the Avenue C, Corner Triangle, and 16th Street frontages except for approved access/roadway intersection locations. Driveway/roadway intersection locations to be determined at the time of development.
7. The Owner shall record an Agriculture Disclosure Statement on the property acknowledging agriculture activities that have occurred on the property.
8. The Owner shall agree to sign an application to convert an irrigation use water right to domestic use and shall provide to the City of Yuma written evidence that the entitlement water associated with this property is or will be converted from irrigation to domestic use by the Yuma County Water Users Association. The Owner may reserve an irrigation use water right for any portion of the property that is not developed or for which a development plan or building permit has not been approved.
9. 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 timeframe then the rezone shall be subject to ARS 9-462.01.

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

QUESTIONS FOR STAFF

“**David Koopmann – Planning and Zoning Commissioner**, asked if the majority of the property was to be a school. **Joy Everett – Senior Planner**, said it would be 14 acres used for the school. **Koopmann** asked if it was not being zoned to public because it was not a public school. **Laurie Lineberry – Community Development Director**, stated that the school on the northwest corner was zoned residential. The Public portion was an overlay only and the property still was required to have a base zoning.

“**Del Cave – Planning and Zoning Commissioner**, asked where the school site would be placed. **Everett** showed where the school would be located on the overhead projector.

“**Koopmann** said he liked to see the preliminary site plan because it answered questions that he had regarding access points and wanted to know if 16th Lane would be a through street. **Lineberry** said 16th Lane was emergency access only, including no student access. Staff was concerned that 16th Lane would create traffic issues in Picacho Subdivision by parents looking for a shortcut.

“**Chris Hamel – Planning and Zoning Commissioner**, asked if the access to the school was only off of 16th Street. **Everett** said yes. **Hamel** asked if Staff thought only one access point would be a problem. **Everett** said staff worked with the school to design the site. **Andrew McGarvie – Assistant City Engineer**, stated that this was the only way to guarantee full access. **Koopmann** said Condition 5 appeared to have been removed from the revised Conditions of Approval and asked what Staff was going to do regarding acceleration/deceleration lanes, right turn lanes and sight triangles. **McGarvie** said Staff called out the 2005 Roadways Plan, but by the time this comes to dedication there should be a new roadways plan adopted.

APPLICANT / APPLICANT’S REPRESENTATIVE

“**Ryan Hackman, 2476 S. 32nd Avenue, Yuma, Arizona**, said the school was a public charter school, and was available for questions.

“**Koopmann** asked if the public overlay would be placed over this property. **Lineberry** said that was a possibility.

OPEN PUBLIC COMMENT

None

CLOSE PUBLIC COMMENT

MOTION

“**Motion by Koopmann, second by Hamel, to APPROVE Case Number ZONE-6465-2014, subject to the revised Conditions of Approval in Attachment A. Motion carried unanimously (5-0).**”

Planning Commission Staff Report - Attached

Note: Between the time the P&Z staff report was completed and distributed, the applicant met with City Engineering to resolve the disagreement on five (5) of the Conditions of Approval in the P&Z staff report. Revised conditions were presented to the Commission at their meeting. Those revised conditions were adopted by the P&Z Commission at their meeting, in place of the conditions in this staff report.

FISCAL REQUIREMENTS	CITY FUNDS:	\$0.00	BUDGETED:	\$0.00
	STATE FUNDS:	\$0.00	AVAILABLE TO TRANSFER:	\$0.00
	FEDERAL FUNDS:	\$0.00	IN CONTINGENCY:	\$0.00
	OTHER SOURCES:	\$0.00 \$0.00 \$0.00	FUNDING FOR THIS ITEM IS FOUND IN THE FOLLOWING ACCOUNT / FUND / CIP:	
	TOTAL:	\$0.00		
	FISCAL IMPACT STATEMENT:			
ADDITIONAL INFORMATION	SUPPORTING INFORMATION NOT ATTACHED TO THE CITY COUNCIL ACTION FORM THAT IS ON FILE IN THE OFFICE OF THE CITY CLERK: 1. 2. 3. 4. 5.			
	IF CITY COUNCIL ACTION INCLUDES A CONTRACT, LEASE OR AGREEMENT, WHO WILL BE RESPONSIBLE FOR ROUTING THE DOCUMENT FOR SIGNATURE AFTER CITY COUNCIL APPROVAL? <input type="checkbox"/> Department <input type="checkbox"/> City Clerk's Office			
SIGNATURES	CITY ADMINISTRATOR:		DATE:	
	Gregory K. Wilkinson		8/20/2014	
	REVIEWED BY CITY ATTORNEY:		DATE:	
	Steven W. Moore		8/20/2014	
	RECOMMENDED BY (DEPT/DIV HEAD):		DATE:	
Laurie Lineberry		8/5/2014		
WRITTEN/SUBMITTED BY:		DATE:		
Stephanie Joy Everett		7/7/2014		



City of YUMA

MEMORANDUM

Department of Community Development/Planning

DATE: July 28, 2014
TO: Planning and Zoning Commission
FROM: Joy Everett, Senior Planner
SUBJECT: ZONE-6465-2014 Revised Conditions of Approval

The Applicant and City staff met and agreed to the following Revised Conditions of Approval.

ATTACHMENT A REVISED 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 Community Development Conditions: Laurie Lineberry, Community Development Director (928) 373-5175:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the zoning action is null and void.
3. The Owner shall record an Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

City Engineering Conditions: Andrew McGarvie, Assistant City Engineer, (928) 373-5000 x3044:

4. The Owner/Developer shall provide a raised median covenant for Avenue C frontage and 16th Street frontage except two median breaks: one to support full subject property ingress & egress at the 37th Avenue alignment and one to support subject

property ingress and egress that aligns with the YPIC property driveway/intersection located to the north, subject to concurrence with the City Traffic Engineer.

5. The Owner/Developer shall dedicate Avenue C and 16th Street right-of-way along the parent parcel in conformance with the roadways plan in effect at the time of dedication. Dedication shall be by plat or warranty deed.
6. The Owner/Developer shall provide a one-foot non access easement along the Avenue C, Corner Triangle, and 16th Street frontages except for approved access/roadway intersection locations. Driveway/roadway intersection locations to be determined at the time of development.

Community Planning Conditions: Joy Everett, Senior Planner, (928) 373-5000 x3034:

7. The Owner shall record an Agriculture Disclosure Statement on the property acknowledging agriculture activities that have occurred on the property.
8. The Owner shall agree to sign an application to convert an irrigation use water right to domestic use and shall provide to the City of Yuma written evidence that the entitlement water associated with this property is or will be converted from irrigation to domestic use by the Yuma County Water Users Association. The Owner may reserve an irrigation use water right for any portion of the property that is not developed or for which a development plan or building permit has not been approved.
9. 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 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.



**STAFF REPORT TO THE PLANNING AND ZONING COMMISSION
DEPARTMENT OF COMMUNITY DEVELOPMENT
COMMUNITY PLANNING DIVISION
CASE TYPE – REZONE**

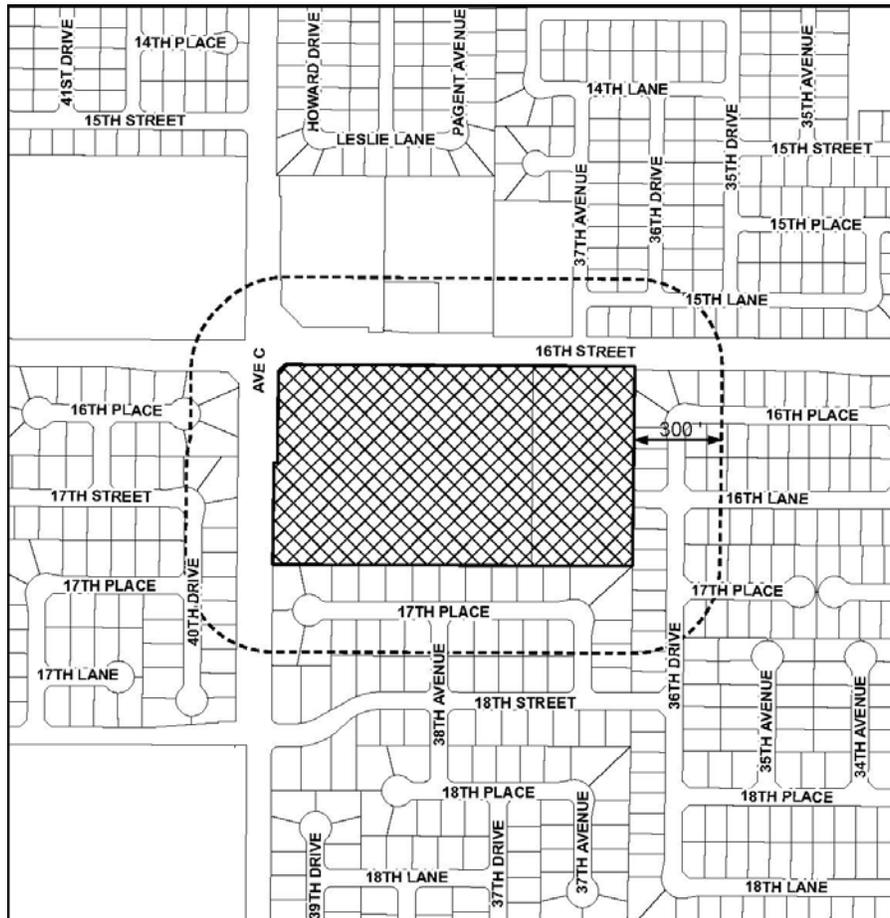
Hearing Date: July 28, 2014

Case Number: ZONE-6465-2014

Project Description/Location: Rezone approximately 19.39 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6) District. The property is located at the southeast corner of Avenue C and 16th Street, Yuma, AZ.

	Existing Zoning	Existing Land Use	Land Use Designation
Site	Agriculture (AG)	Agriculture field	Low Density Residential
North	Transitional (TR), Low Density Residential (R-1-6)	Oasis Church, Suncrest Office Plaza, Single Family Dwellings	Mixed Use, Low Density Residential
South	Low Density Residential (R-1-8)	Single Family Dwellings	Low Density Residential
East	Low Density Residential (R-1-6)	Single Family Dwellings	Low Density Residential
West	Low Density Residential (R-1-8)	Single Family Dwellings	Low Density Residential

Location Map



Prior site actions: Annexation: Ord. 2212 (July 21, 1984); Rezone: Agriculture upon annexation; and Subdivision: Pietro's/Phillips Lot Split (December 9, 2006).

Staff recommendation: Staff recommends APPROVAL of the rezoning of the property from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, subject to the conditions shown in Attachment A, because the request is in conformance with the General Plan.

Suggested Motion: Move to **APPROVE** the rezoning of the property from the Agriculture (AG) District to the Low Density Residential (R-1-6) District, subject to the conditions shown in Attachment A, because the request is in conformance with the General Plan.

Staff Analysis: The subject property was annexed into the City of Yuma on July 21, 1984 and rezoned to the Agriculture (AG) District upon annexation. The property is currently used for agriculture production.

The subject property was created from a larger parent parcel by the Pietro's/Phillips Lot Split. The subject property consists of approximately 19.39 acres with frontage on 16th Street and Avenue C. The Rose Lateral runs adjacent to the north property line.

The request is to rezone the property from Agriculture (AG) to Low Density Residential (R-1-6). The applicant is proposing to develop the eastern 14 acres with a school. There are no development plans for the remaining six acres.

A neighborhood meeting was held on June 25th and 5 property owners attended. Comments from those in attendance included:

1. Want assurances that the 10' south setback and 7' east side yard setback will have appropriate landscaping to be an effective buffer.
2. Want the internal roads/driveway to be paved.
3. Concerned about lighting of the ball fields.
4. Opposed to commercial or high density residential development occurring on the future remnant parcel.
5. Concern about construction hours. Applicants ensured the neighbors that construction would not occur at night and anticipate the hours to be 7:00am to 4:00pm.

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

Yes

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

Yes

Transportation Element	Planned	Existing	Difference	Requested
Avenue C – Principal Arterial	62 FT H/W	50 FT H/W	12 FT H/W	12 FT H/W
16 th Street – Principal Arterial	62 FT H/W	50 - 65 FT H/W	-3 - 12 FT H/W	-3 - 12 FT H/W
Median Covenant	Required for Avenue C and 16 th Street			

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

Yes

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 B.

Neighborhood Meeting Comments: See Attachment C.

Proposed conditions delivered to applicant on: June 23, 2014

Final staff report delivered to applicant on: July 16, 2014

<input type="checkbox"/>	Applicant agreed with all of the conditions of approval on:
<input checked="" type="checkbox"/>	Applicant did not agree with the following conditions of approval: Condition #4: The applicant requests a provision of 2 access points / median cuts: 1 for the proposed school site and 1 for the proposed remainder parcel at the locations discussed with City Engineering. Condition #5: The applicant requests that the right-of-way dedication be defined and occur with each (school and remainder parcel) approved development plan. Condition #6: The applicant requests that the right-of-way dedication be defined and occur with each (school and remainder parcel) approved development plan. Condition #7: The applicant requests that the one-foot non access easement be defined and provided with the approved development plan. Condition #9: The applicant requests to retain its irrigation use water right until the entire property (school and remainder parcel) is developed.
<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
Staff Conditions of Approval	External Agency Comments	Neighborhood Meeting Comments	Aerial Photo

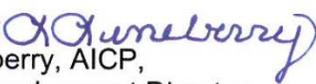
Project Planner: Joy Everett, Senior Planner 373 -5000 #3034 Joy.Everett@YumaAZ.gov

Prepared By: 
Joy Everett, Senior Planner

Date: 7/15/14

Reviewed By: 
Bobette Bauermann, Principal Planner

Date: 7/15/14

Approved By: 
Laurie L. Lineberry, AICP,
Community Development Director

Date: 7.15.14

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 Community Development Conditions: Laurie Lineberry, Community Development Director (928) 373-5175:

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the zoning action is null and void.
3. The Owner shall record an Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

City Engineering Conditions: Andrew McGarvie, Assistant City Engineer, (928) 373-5000 x3044:

4. The Developer/Owner shall provide a raised median covenant for Avenue C frontage and 16th Street frontage.
5. The Owner shall dedicate Avenue C right-of-way along the parent parcel, so that the City realizes a full 52.50 - foot half-width right-of-way (same as provided by Falls Ranch Unit No. 1, in Book 15 of Plats, page 96 & 97) and flares for Avenue C, plus corner triangle as specified in Figure 3 of the 2005 MRP as amended, with Avenue C downgraded to a minor arterial Street. Dedication shall be by plat or warranty deed.
6. The Owner shall dedicate 16th Street right-of-way along the parent parcel, so that the City realizes a full 61- foot half-width right-of-way (same as provided by Picacho Village Unit No. 1 subdivision, recorded in Book 19 of Plats, page 61 to 63). Dedication shall be by plat or warranty deed.
7. The Owner/Developer shall provide a one-foot non access easement along the Avenue C, Corner Triangle, and 16th Street frontages accept for approved access locations. The 1-ft non-access easement shall be provided by plat or easement.

Community Planning Conditions: Joy Everett, Senior Planner, (928) 373-5000 x3034:

8. The Owner shall record an Agriculture Disclosure Statement on the property acknowledging agriculture activities that have occurred on the property.
9. The Owner shall agree to sign an application to convert an irrigation use water right to domestic use and shall provide to the City of Yuma written evidence that the entitlement water associated with this property is converted from irrigation to domestic use by the Yuma County Water Users Association. A portion of the converted water may be retained for landscaping if flood irrigation facilities are provided.

10. 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 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
EXTERNAL AGENCY COMMENTS**

From: Omar Penunuri [openunuri@ycwua.org]
Sent: Thursday, June 12, 2014 11:38 AM
To: Everett, Stephanie (Joy) - Senior Planner
Cc: openunuri@ycwua.org; Ed Carpenter
Subject: Re: Request for Comments ZONE-6465-2014
Attachments: T8SR23W Sec 29,30,31,32 PG30.TIF

Hi Joy,

Please include the Rose Lateral Rights of Way on the south side of 16th Street. Also, keep YCWUA in the loop for any further progress of the development. We suppose the school will retain irrigable water rights to irrigate the soccer / baseball field?

Let me know about any questions.

Thanks

Omar Peñuñuri
Yuma County Water Users' Association
Sr. Engineering Tech
Lands and Right-of-Way
Bus: (928) 627-8824 Ext. 25
Cell: (928) 581-5200
Fax: (928) 627-3065

Office:
3800 W. County 15th Street
Somerton, Arizona 85350
Mail: P.O. Box 5775
Yuma, Arizona 85366-5775

COMMENT NO COMMENT

Enter comments below:

Should a project be developed as a result of this proposed land use change action, YCIPTA (Yuma County Intergovernmental Public Transportation Authority) would request consideration towards the establishment of a bus stop on westbound 16th Street @ Avenue C, farside. The bus stop developed should conform to YCIPTA revised standards with includes a pole with a YCAT bus stop sign, plus provision for placement of a bus bench and/or shelter.

DATE: 6/13/14 NAME: John Andoh TITLE: Transit Director
AGENCY: YCIPTA
PHONE: 928.539.7076 ext 237
RETURN TO: Joy Everett
Joy.Everett@YumaAZ.gov

ATTACHMENT C
NEIGHBORHOOD MEETING COMMENTS

Date Held: 06/25/14

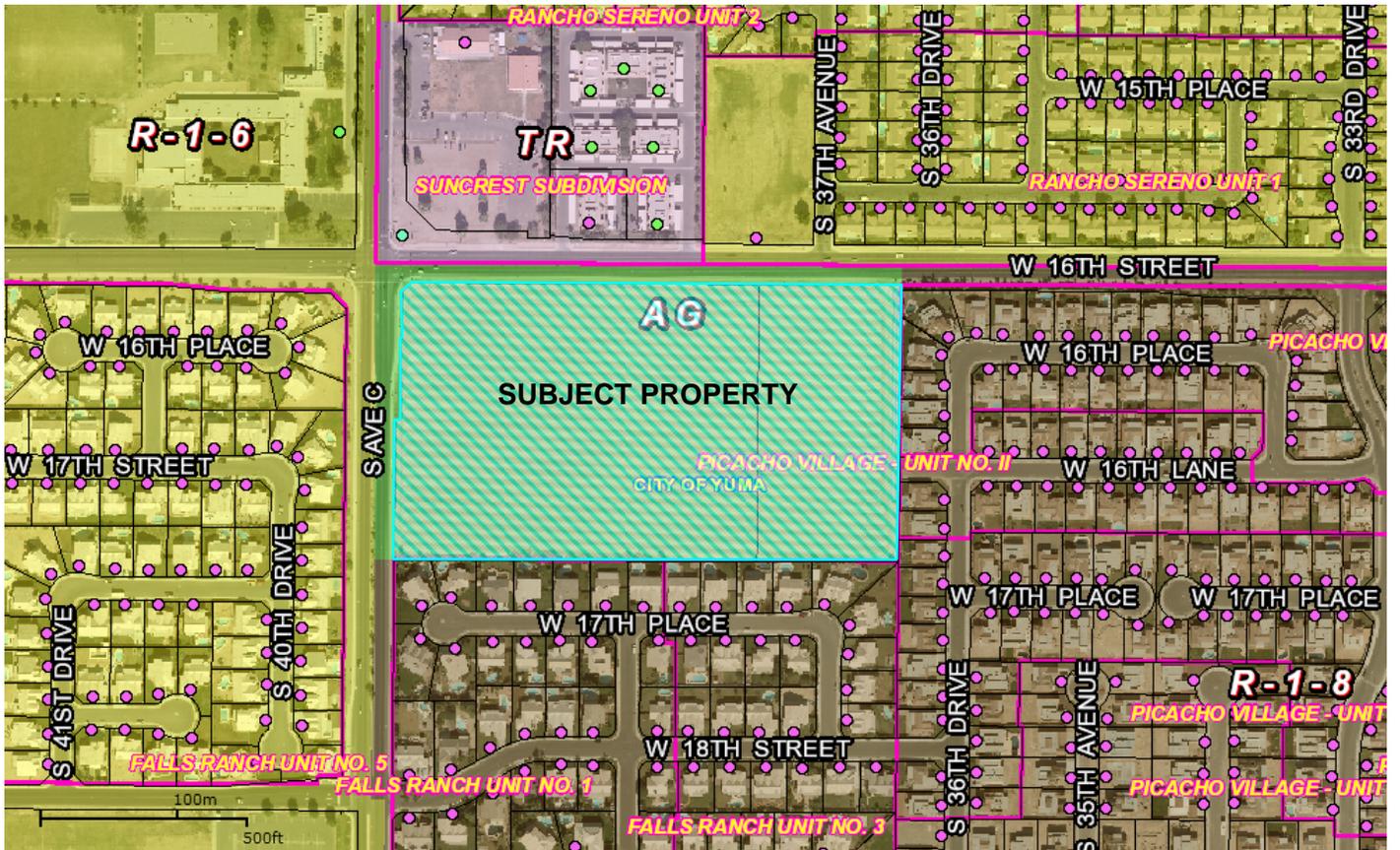
Location: Oasis Church at 1545 S. Avenue C

Attendees: David Bentley, Owner Agent; Kevin Dahl, Engineer; Carolyn McKelvey, Real Estate Agent; Ken Skinner, Project Manager; Ryan Hackmann, Carpe Diem Schools; Rick Ogston, Carpe Diem Schools; Shelly Hook, Development Project Coordinator; Joy Everett, Senior Planner; and five neighbors in attendance.

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

- **CONCERNED THAT THE INTERNAL ROAD/DRIVEWAY IS CLOSE TO THE RESIDENTIAL LOTS AND WANT TO MAKE SURE THAT THE 10' SOUTH SETBACK AND 7' EAST SETBACK ARE DENSELY LANDSCAPED TO BE A BUFFER.**
- **WANT THE INTERNAL ROADS/DRIVEWAY TO BE PAVED.**
- **DO NOT WANT LIGHTING ON THE BALL FIELD AREAS WHICH ARE LOCATED CLOSE TO THE EXISTING RESIDENTIAL DEVELOPMENTS. THERE IS CONCERN THAT IF OUTSIDE GROUPS USE THE FIELDS FOR PRACTICE, THEN LIGHTING FOR EVENING USE WILL BECOME AN ISSUE.**
- **DO NOT WANT COMMERCIAL OR APARTMENTS DEVELOPED ON THE REMAINING 6 ACRE LOT AT THE CORNER OF AVENUE C AND 16TH STREET.**
- **CONCERNED ABOUT CONSTRUCTION HOURS. APPLICANTS ENSURED THE NEIGHBORS THAT CONSTRUCTION WOULD NOT OCCUR AT NIGHT AND ANTICIPATE THE HOURS TO BE 7:00AM TO 4:00PM.**

ATTACHMENT D
AERIAL PHOTO



ORDINANCE NO. O2014-26

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 LOW DENSITY RESIDENTIAL (R-1-6) DISTRICT AND AMENDING THE ZONING MAP TO CONFORM THERETO

WHEREAS, the City of Yuma Planning and Zoning Commission held a public hearing on July 28, 2014 in Zoning Case No: ZONE-6465-2014 in the manner prescribed by law for the purpose of rezoning a parcel of property hereinafter described to the Low Density Residential (R-1-6) District as provided for in Chapter 154 of the Yuma City 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 July 4, 2014; and,

WHEREAS, the City Council has considered the recommendation of the Planning and Zoning Commission regarding Case No: ZONE-6465-2014 and finds that the recommendation complies with and conforms to the goals and objectives of the City of Yuma 2012 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 and by this reference made a part hereof:

That portion of Lot 1(NW1/4 NW1/4) and the Northeast quarter of the Northwest quarter, Section 31, Township 8 South, Range 23 West, Gila and Salt River Base and Meridian, Yuma County, Arizona.

More particularly described as follows:

The North 735.15 feet of Lot 1 (NW1/4 NW1/4) of said Section 31, including the following described parcel;

That portion of the Northeast quarter of the Northwest quarter (NE1/4 NW1/4) of said Section 31;

Beginning at the Northwest corner of said Northeast quarter of the Northwest quarter(NE1/4 NW1/4) of said Section 31 and the TRUE POINT OF BEGINNING; thence N89° 54' 22"E along the North line of said Section 31 a distance of 25.50 feet;

thence S 00°11'28"W a distance of 735.15 feet;

thence S89°54'22"W parallel with the North line of said Section 31 a distance of 23.01 feet;

thence N00°00' 11"W along the West line of said Northeast quarter of the Northwest quarter(NE1/4 NW1/4) of said Section 31, a distance of 735.15 feet and the TRUE POINT OF BEGINNING.

EXCEPT that portion of the North 735.15 of Lot1 (NW1/4NW1/) of said Section 31 described as follows;

Beginning at the Northeast corner of Lot 1 (NW1/4NW1/4) of said Section 31 and the TRUE POINT OF BEGINNING;
thence S89°54'22"W parallel with the North line of said Section 31, a distance of 1285.31 feet;
thence S00°00'32"W along the West line of said Section 31, a distance of 735.15 feet;
thence N89°54'22"E parallel to and 735.15 feet Southerly of the North line of said Section 31 , a distance of 52.50 feet to the East right of way line of Avenue "C";
thence N00°00'32"E parallel to and 52.50 feet Easterly of the West line of said Section 31 along East right of way line of Avenue "C", a distance of 420.15 feet to a point 387.00 feet Southerly of the North line of said Section 31:
thence N89°54'22"E parallel to the North line of said Section 31, a distance of 12.50 feet to a point 65.00 Westerly of the West line of said Section 31;
thence N00°00'32"E parallel to and 65.00 feet Easterly of the West line of said Section 31 along East right of line of Avenue "C", a distance of 315.00 feet to a point 72.00 feet Southerly of the North line of said Section 31;
thence N44°57'22"E a distance of 35.39 feet to a point 90.00 feet Westerly of the West line and 47.00 feet Southerly of the North line of said Section 31 and along the South right of way line of 16th Street ;
thence N89°54'22"E parallel to and 47.00 feet Southerly of the North line of said Section 31, a distance of 1195.32 feet to a point on the East line of said Lot 1 (NW1/4NW1/4) of said Section 31;
thence N00°00'11"W along the West line of said Lot 1(NW1/4NW1/4) of said Section31, a distance of 47.00 feet to the Northeast corner of said Lot 1(NW1/4NW1/4) and the TRUE POINT OF BEGINNING.

EXCEPT that portion of the Northeast quarter of the Northwest quarter(NE1/4NW1/4) of said Section 31, described as follows:

Beginning a the Northwest corner of the Northeast quarter of the Northwest quarter(NE1/4NW1/4) of said Section 31 and the TRUE POINT OF BEGINNING;
thence S00°00'11"E along the West line of the Northeast quarter of the Northwest quarter of said Section 31, a distance of 47.00 feet to a point on the South right of way line of 16th Street;
thence N89°54'22"E along the South right of way line and 47.00 feet South of the North line of said Section 31, a distance of 25.34 feet;
thence N00°39'54"E a distance of 47.00 feet to a point on the North line of said Section 31;
thence S89°54'22"W along the North line of said Section 31 and the TRUE POINT OF BEGINNING.

Also Known as Parcel B(Accessor's Parcel # 664-33-217 & 218) of Pietro's/ Phillips Lot Split, Book 15, Pages 1-2 of Plats as recorded in the Yuma County Recorders Office, Yuma, Arizona. Except for that portion describe in Warranty Deed AFN 1998-22770 as recorded in the Yuma County Recorders Office Yuma, Arizona.

Containing 115,898 square feet or 19.46 acres, more or less.

be placed in the Low Density Residential (R-1-6) District, as defined by Chapter 154 of the Yuma City Code, as amended; that upon this Ordinance becoming final, the described real property shall be subject to all rules, regulations and requirements of Chapter 154 of the Yuma City Code, as amended, pertaining to the Low Density Residential (R-1-6) District, and that the zoning map adopted under Chapter 154 of the Yuma City Code, as amended, is ordered to be changed and amended to show that the real property described in this Ordinance will be located within the Low Density Residential (R-1-6) District.

SECTION 2: That the following condition(s) must be met and/or completed in order for this rezoning 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 shall submit to the City of Yuma, for recordation, a signed and notarized “Waiver of Claims under the Private Property Rights Protection Act.” The Waiver shall be submitted within thirty (30) calendar days of the effective date of approval of this zoning action and prior to the issuance of any building permit. In the event this condition is not completed within this time frame, the zoning action is null and void.
3. The Owner shall record an Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.
4. The Owner/Developer shall provide a raised median covenant for Avenue C frontage and 16th Street frontage except two median breaks: one to support full subject property ingress & egress at the 37th Avenue alignment and one to support subject property ingress and egress that aligns with the YPIC property driveway/intersection located to the north, subject to concurrence with the City Traffic Engineer.
5. The Owner/Developer shall dedicate Avenue C and 16th Street right-of-way along the parent parcel in conformance with the roadways plan in effect at the time of dedication. Dedication shall be by plat or warranty deed.
6. The Owner/Developer shall provide a one-foot non access easement along the Avenue C, Corner Triangle, and 16th Street frontages except for approved access/roadway intersection locations. Driveway/roadway intersection locations to be determined at the time of development.
7. The Owner shall record an Agriculture Disclosure Statement on the property acknowledging agriculture activities that have occurred on the property.
8. The Owner shall agree to sign an application to convert an irrigation use water right to domestic use and shall provide to the City of Yuma written evidence that the entitlement

water associated with this property is or will be converted from irrigation to domestic use by the Yuma County Water Users Association. The Owner may reserve an irrigation use water right for any portion of the property that is not developed or for which a development plan or building permit has not been approved.

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 timeframe then the rezone shall be subject to ARS 9-462.01.

Adopted this _____ day of _____, 2014.

APPROVED:

Douglas J. Nicholls
Mayor

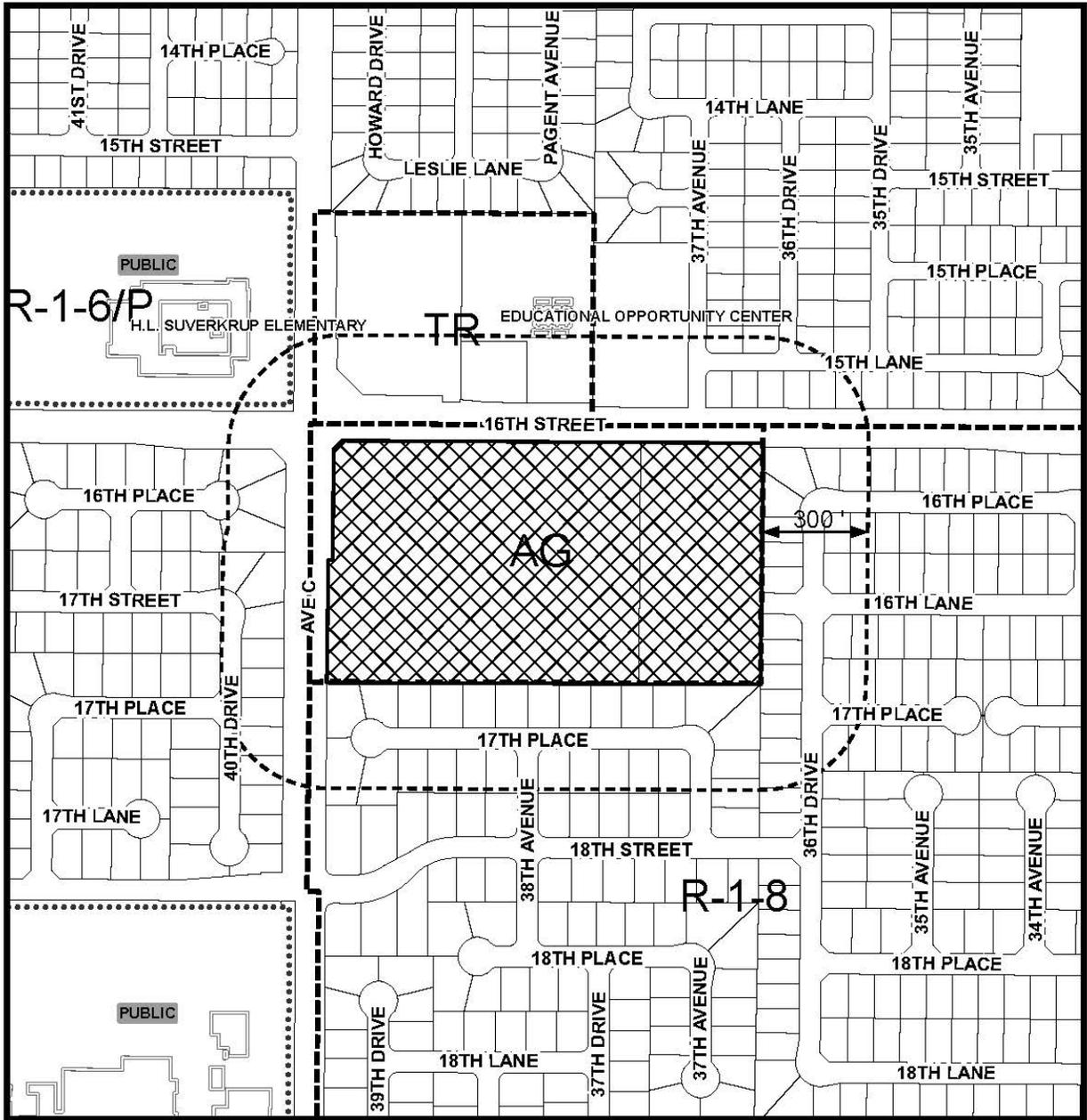
ATTESTED:

Lynda L. Bushong
City Clerk

APPROVED AS TO FORM:

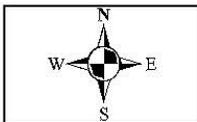
Steven W. Moore
City Attorney

Exhibit A

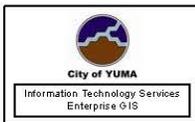


LOCATION MAP

 LOCATION OF SUBJECT PROPERTY



Prepared by: J.W.B.
Checked by:



Date: 06-04-14
Revised:
Revised:

Case #:
ZONE-6465-2014