



Sierra Vista City Council
Meeting Agenda
April 8, 2021

Call to Order

5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona

Roll Call

Invocation – Reverend Chuck Carlson, Sierra Vista Community Church

Pledge of Allegiance

Item 1 Acceptance of the Agenda

Proclamation:

Proclamation declaring April 2021 as Sexual Assault Awareness Month

Proclamation declaring the month of April as Fair Housing Month

City Manager's Report: Upcoming Meetings, Bid Openings and Bid Awards

New Business:

Item 2 Approval of the Regular City Council Meeting Minutes of March 25, 2021

Item 3 Resolution 2021-020, Application for a Permanent Extension of Premises/Patio Permit for Michael H Appleton on behalf of A and T Taproom dba Bone Dry Taphouse

Item 4 Ordinance 2021-003, Adoption of Development Code Text Amendment, Reasonable Modifications, Sections 151.02.004, Definitions, and 151.06.011, Reasonable Modification

Item 5 Ordinance 2021-004, Adoption of Development Code Text Amendment, Public Hearing Process, Articles 151.26, Conditional Use Permits and Article 151.31, Amendments

Item 6 Resolution 2021-021, Dedication of Veterans Sports Complex Football Field to Keith Hampton

Item 7 Resolution 2021-022, Restating the City's Commitment to Fair Housing in Sierra Vista

Call to the Public

Comments and Requests of the Council

Adjournment

For special needs and accommodations, please contact Jill Adams, City Clerk, 72 hours prior to the meeting or activity at (520) 458-3315 or through the Arizona Relay Service at 1-800-367-8939, or by simply dialing 7-1-1.



Sierra Vista City Council
Meeting Summary
[March 25, 2021](#)

Mayor Mueller called the March 25, 2021 City Council Regular Meeting to order at 5:00 p.m., City Hall Council Chambers, 1011 N. Coronado Drive, Sierra Vista, Arizona.

Roll Call:

Mayor Rick Mueller – present
Mayor Pro Tem Rachel Gray – present
Council Member William Benning – present
Council Member Gregory Johnson - present
Council Member Angelica Landry – present
Council Member Sarah Pacheco – present (5:07 p.m.)
Council Member Carolyn Umphrey - present

Others Present:

Chuck Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Adam Thrasher, Police Chief
Jill Adams, City Clerk
Nathan J. Williams, City Attorney

Invocation – Council Member Johnson led everyone present in prayer.

Pledge of Allegiance – Council Member Umphrey led the Pledge of Allegiance.

[Item 1](#) Acceptance of the Agenda

Mayor Pro Tem Gray moved that the agenda for the Regular City Council Meeting of March 25, 2021 be approved. Council Member Benning seconded the motion. The motion unanimously carried, 6/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, and Umphrey voting in favor.

City Manager's Report: Mr. Potucek announced that the next regularly scheduled City Council Work Session is scheduled for April 6, 2021 at 3:00 p.m. in Council Chambers, and the next regularly scheduled City Council Meeting is scheduled for April 8, 2021 at 5:00 p.m. also in Council Chambers. He reported that KE&G in the amount of \$817,777.96 was awarded the Street Maintenance and Pavement Patching, Crack and Sand Seal Project. Construction has begun on the CDBG Soldier Creek Park and James Landwehr Plaza Improvements that is expected to be completed by April 15, 2021. Grail Construction has submitted their design documents to the Building Department for the Police Department Locker Room Remodel. Construction has an anticipated start date of April 2021. Construction for the State Parks Grant for the St. Andrews Parking Lot is wrapping up and should be completed within the next two weeks. The parking lot is open to the public and the next grant application for up to \$150,000 will be submitted by the end of this month. Lastly, he stated that with the Governor lifting

COVID restrictions, City facilities will be opening on March 29, 2021. There are a few restrictions pertaining to Transit and the Cove due to staffing shortages and federal requirements from the Federal Transportation Administration. The exceptions will be posted on the City's website in a press release regarding the opening of City facilities in a safe manner. He thanked the community for their forbearance during this time, noted that the community has performed well as well as the employees and noted that most of the employees that have wanted to be vaccinated, have done so.

Public Hearing:

[Item 2](#) Resolution 2021-018, an owner/location transfer of a Series 6 Limited Liability-type Liquor License for Jeffrey Dishoun Mack on behalf of Chill Factor Hookah Lounge LLC, 833 E Fry Boulevard #D, Sierra Vista, Arizona

Council Member Landry moved that Resolution 2021-018, an owner/location transfer of a Series 6 Limited Liability-type Liquor License for Jeffrey Dishoun Mack on behalf of Chill Factor Hookah Lounge LLC, 833 E Fry Boulevard #D, Sierra Vista, Arizona, be approved. Council Member Umphrey seconded the motion.

Ms. Adams stated that this application is for a Series 6, bar liquor license, for the Jeffrey Mack. The notice of the public hearing was posted on the facility over the required 20-day period, and no comments have been received from the public pro or con. The Police Department did the required background check and have no objection to this moving forward. If approved by Council, it will be forwarded back to the State Department of Liquor for final action.

In response to Mayor Mueller, Mr. Mack had no additional information to share.

The motion unanimously carried, 6/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, and Umphrey voting in favor.

New Business:

[Item 3](#) Approval of the Regular City Council Meeting Minutes of March 11, 2021

Council Member Benning moved that the Regular City Council Meeting Minutes of March 11, 2021, be approved. Mayor Pro Tem Gray seconded the motion. The motion unanimously carried, 6/0. Mayor Mueller, Mayor Pro Tem Gray and Council Members Benning, Landry, Johnson, and Umphrey voting in favor.

Call to the Public – There was no response.

Comments and Requests of the Council

Council Member Johnson had nothing to report.

Council Member Umphrey had nothing to report.

Council Member Landry stated that at the beginning of the week, Council had their strategic planning, which was a great opportunity in getting to know everybody in the City. She announced that the Salvation Army does food distributions throughout the month, first and second Tuesdays at the main Salvation Army Center. The first Tuesday of the month it is in

Hereford and the third Friday is in Huachuca City and volunteers are welcomed. The Salvation Army also has a virtual kid's culinary program opened to 17 years old and younger, supplies are provided. She also announced the Spaghetti Dinner on April 10, 2021 at the Landmark Café to support the Animal Shelter for \$10 a ticket.

Mayor Mueller thanked Council Member Landry for her announcement and stated that as a board member of the Salvation Army, he can vouch that it is a lot of fun to participate in their food distribution program. It takes place early in the morning, it goes fast, and it is well organized.

Council Member Benning thanked Council Member Johnson for his blessings, voiced his appreciation and stated that he believes that the strategic planning ran well, and noted that the collaboration between staff and Council was focused. He further stated that he went out to Soldier Creek Park and shared that it is looking good. The east side is being worked on with bricks, etc. In closing, he congratulated Mr. Mack and thanked him for investing in Sierra Vista.

Council Member Pacheco stated that even though the mask mandate is down, she encourages people to be precautious and if not vaccinated, get vaccinated. Vaccinations are now open to everyone age 16 and older. She shared that she has two 17-year-olds, and they were able to schedule at a State-run site in Pima County because they cannot get vaccinated in Cochise County yet because the Moderna, Johnson and Johnson vaccines are not available for people under the age of 18. Lastly, she stated that the University of Arizona will be open to anyone starting at 11:00 a.m. to provide the vaccine as there are 12,000 available.

Mayor Pro Tem Gray stated that the Spaghetti Dinner on April 10, 2021 is being called the Spayghetti Dinner, announced that Kathy Buonocore and Jane Strain, two long term volunteers of the Friends of the Sierra Vista Animal Shelter, are leaving the Friends Order because they have been doing it for a long time. She thanked them for their service and noted that it is a great loss. She stated that she is looking forward to seeing the final project after the strategic planning session. She added that she believes that it is a robust, aggressive plan that is going to stretch the City and make everyone work to achieve the goals that Council has designed. Lastly, she stated that she has belief that staff can accomplish it.

Mayor Mueller thanked staff for their participation during the strategic planning, a yearly critical technique to move the community forward. He voiced his appreciation at Council and staff for sharing their ideas and not being afraid to speak up and stating what they believe because it led to good discussion that leads to a better plan. He announced that Sunday, March 21, 2021 is Palm Sunday and asked people to be careful on their celebrations. He noted that Passover also starts during that week and encouraged people to compliment and support their Jewish friends in their religious activities. Easter is also forthcoming, a great time of year if the snow and wind die down so that it can be nothing but flowers and beauty for the next 10 days.

Mayor Mueller shared an email that he received by a community member that does not reside in Sierra Vista who received a solicitation from a group that is running a petition to get the Governor to ban sanctuary cities. In the solicitation, they imply that Sierra Vista was considering becoming a sanctuary city, and that donations were needed for the cause to prevent it. He noted that during the strategic planning, the term "sanctuary city" did not come up; therefore, he advised people that when they see something out of the ordinary or strange, to take a minute and talk to someone who knows what is going on before writing a check or something else that may be regretted. He added that he is not stating that this is not a valid issue that these people are working on, but there are folks that will bend the truth, which is usually some type of scam.

Mayor Mueller stated that this morning he had just signed an order to suspend the emergency declaration on masks with a press release ready; however, the Governor had a news conference at 9:00 a.m., which meant that the emergency declaration and press release would have to be rewritten. The emergency declaration, now a rescission was read into the record that cleared up the Governor's Order, last paragraph that applies to the mask orders for cities (on file with the City Clerk). Lastly, he stated that people still need to make sure that they get vaccinated, to build up herd immunity. Vaccines are available and will continue to be available for the next several months. He thanked people for their indulgence during the last several months.

Adjournment

Mayor Mueller adjourned the March 25, 2021 meeting of the Sierra Vista City Council at 5:20 p.m.

Mayor Frederick W. Mueller

MINUTES PREPARED BY:

ATTEST:

Maria G. Marsh, Deputy Clerk

Jill Adams, City Clerk

RESCISSION OF EMERGENCY DECLARATION
(Dated 26 June 2020)

WHEREAS, the COVID-19 pandemic conditions throughout the State of Arizona, Cochise County and the Greater Sierra Vista area have shown significant improvement since the Emergency Declaration regarding the use of face coverings within the City of Sierra Vista issued by the Mayor of Sierra Vista on June 26, 2020 (the "Emergency Declaration"); and

WHEREAS, the positive actions of the good Citizens and Businesses in the Sierra Vista area, to take care of their families, friends, and neighbors by following the Emergency Declaration, have resulted in significantly reducing the number of local COVID-19 cases; and

WHEREAS, the members of the Sierra Vista community have clearly demonstrated their understanding of the CDC and State Health Department Guidelines by the proper wearing of face coverings in public and continuing to follow proper social distancing guidelines; and

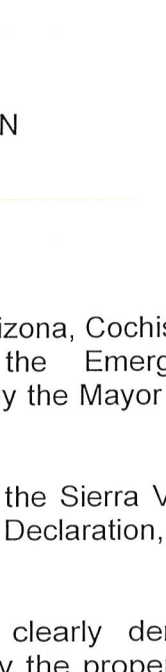
NOW, THEREFORE, it is hereby declared that the Emergency Declaration issued on June 26, 2020 is rescinded, effective March 25, 2021 at 9:00 a.m.

IT IS HEREBY FURTHER RECOMMENDED:

The following guidelines are recommended to all persons located within the City of Sierra Vista:

- A. While in the City of Sierra Vista, every person is strongly encouraged to follow CDC and State of Arizona COVID-19 Guidelines when in public.
- B. While in the City of Sierra Vista, every person is strongly encouraged to follow the social distancing and requirements regarding the wearing of face coverings issued by respective Commercial Establishments, Government Facilities, Schools, Institutions of Higher Learning, Child Care Centers, Not for Profit Organizations and Houses of Worship.

DATED this 25th day of March 2021


Frederick W. Mueller, Mayor

ATTEST:


Jill Adams, City Clerk



March 31, 2021

MEMORANDUM TO: Honorable Mayor and City Council
THRU: Charles P. Potucek, City Manager
FROM: Jill Adams, City Clerk
SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
Resolution 2021-020, Application for a Permanent
Extension of Premises/Patio Permit for Michael H.
Appleton on behalf of A and T Taproom dba Bone Dry
Taphouse

RECOMMENDATION:

The City Clerk recommends approval of this application.

The City Manager recommends approval of this application.

BACKGROUND:

Michael H Appleton is requesting permission to permanently extend his premises for A and T Taproom dba Bone Dry Taphouse located at 962 E Fry Boulevard, Sierra Vista, Arizona.

The Police Department has reviewed the application and given their approval.

The application must be approved by the City Council before it is sent to the State Department of Liquor Licenses and Control for their review.

BUDGET APPROPRIATION:

Not applicable.

Attachments

RESOLUTION 2021-020

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; RECOMMENDING APPROVAL FOR A PERMANENT EXTENSION OF PREMISES/PATIO FOR MICHAEL H. APPLETON ON BEHALF OF A AND T TAPROOM DBA BONE DRY TAPHOUSE; TO THE STATE DEPARTMENT OF LIQUOR LICENSES AND CONTROL; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, an application for a permanent extension of premises/patio permit for Michael H. Appleton on behalf of A and T Taproom dba Bone Dry Taphouse located at 962 E. Fry Boulevard, Sierra Vista, Arizona has been filed; and

WHEREAS, Section 4-203.02 of the Arizona Revised Statutes requires approval of the Sierra Vista City Council before the permit will be considered; and

WHEREAS, it is the settled policy of the City Council that applications relating to liquor licenses be recommended for approval if no objections are raised.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

The City Council reaffirms its settled policy, most recently affirmed on liquor licenses within City limits.

SECTION 2

The City Council of the City of Sierra Vista recommends approval to the State Department of Liquor Licenses and Control for a permanent Extension of Premises/Patio Permit for Michael H. Appleton on behalf of A and T Taproom dba Bone Dry Taphouse located at 962 E. Fry Boulevard, Sierra Vista, Arizona.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 8th DAY OF APRIL 2021.

Frederick W. Mueller
Mayor

Approved as to Form:

Attest:

Nathan J. Williams
Assistant City Attorney

Jill Adams
City Clerk

Prepared by:
Jill Adams, City Clerk



Arizona Department of Liquor Licenses and Control
 800 W Washington 5th Floor
 Phoenix, AZ 85007-2934
 www.azliquor.gov
 (602) 542-5141

DLLC USE ONLY

CSR:
Log #:

APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

OBTAIN APPROVAL FROM LOCAL GOVERNING BOARD BEFORE SUBMITTING TO THE DEPARTMENT OF LIQUOR
****Notice: Allow 30-45 days to process permanent change of premises****

Permanent change of area of service. **A non-refundable \$50. Fee will apply.** Specific purpose for change:

Temporary change (**No Fee**) for date(s) of: ___/___/___ through ___/___/___ list specific purpose for change:

1. Licensee's Name: Appleton Michael H License #: 06020003
Last First Middle

2. Mailing address: 962 E Fry Blvd Sierra Vista AZ 85635
Street City State Zip Code

3. Business Name: A and T Taproom DBA Bone Dry Taphouse

4. Business Address: 962 E. Fry Blvd Sierra Vista AZ 85635
Street City State Zip Code

5. Email Address: bonedrytaps@gmail.com

6. Business Phone Number: 520-559-4932 Contact Phone Number: 719-660-9508

7. Is extension of premises/patio complete?
 If no, what is your estimated completion date? 04/15/2021

8. Do you understand Arizona Liquor Laws and Regulations?
 Yes No

9. Does this extension bring your premises within 300 feet of a church or school?
 Yes No

10. Have you received approved Liquor Law Training?
 Yes No

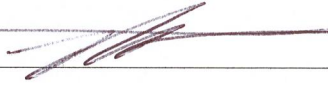
11. What security precautions will be taken to prevent liquor violations in the extended area? _____
We have security cameras installed and are adding servers who will be walking the added area.

12. **IMPORTANT:** Attach the revised floor plan, clearly depicting your licensed premises along with the new extended area outlined in black marker or ink, **if the extended area is not outlined and marked "extension" we cannot accept the application.**

Barrier Exemption: an exception to the requirement of barriers surrounding a patio/outdoor serving area may be requested. Barrier exemptions are granted based on public safety, pedestrian traffic, and other factors unique to a licensed premises. List specific reasons for exemption:

Approval Disapproval by **DLLC**: _____ Date: ____/____/____

I, (Print Full Name) **Michael H Appleton**, hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Applicant Signature: 

GOVERNING BOARD

After completion, and **BEFORE submitting to the Department of Liquor**, please take this application to your local Board of Supervisors, City Council or Designate for their recommendation. This recommendation is not binding on the Department of Liquor.

Approval Disapproval

Authorized Signature Title Agency Date

DLLC USE ONLY

Investigation Recommendation: Approval Disapproval by: _____ Date: ____/____/____

Director Signature required for Disapprovals: _____ Date: ____/____/____

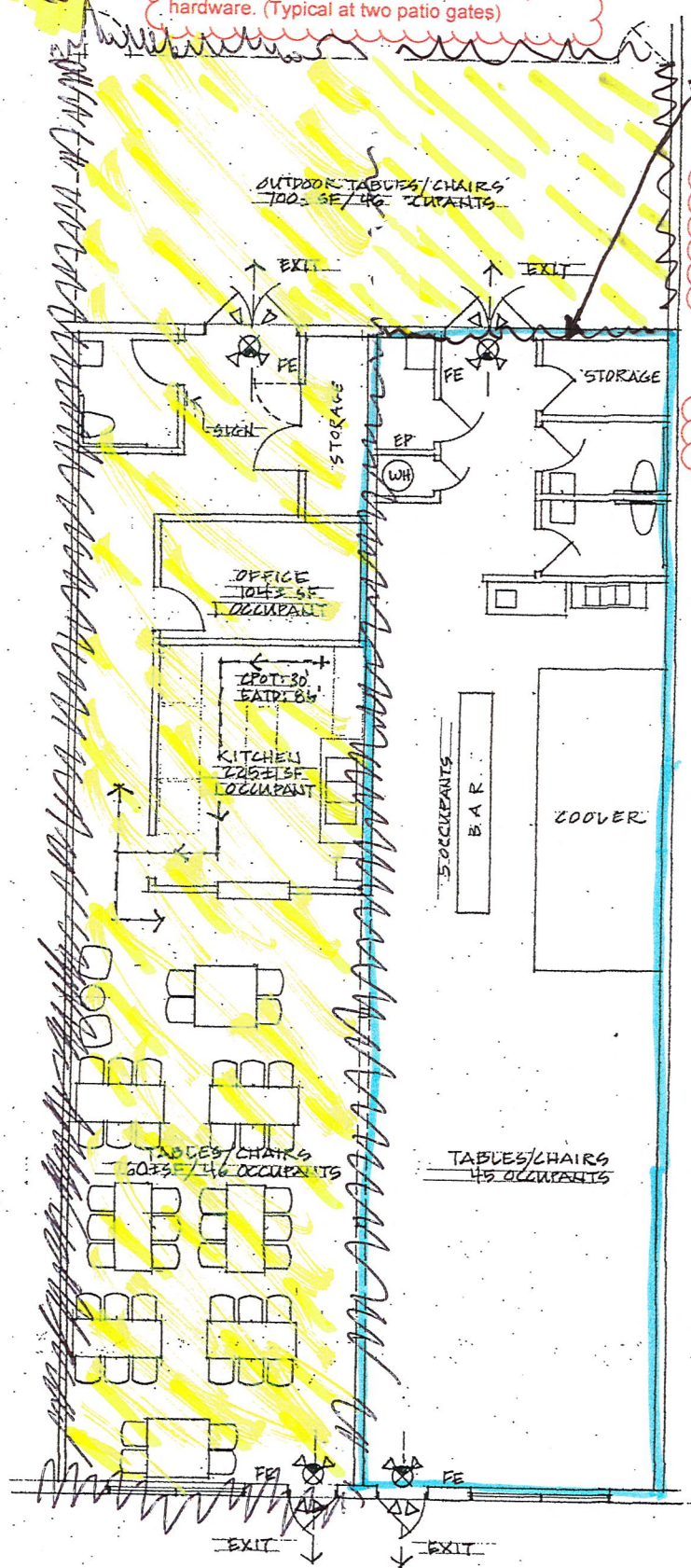
NEW SECTION (Yellow)

To comply with means of egress requirements gates must have latching mechanism or panic hardware. (Typical at two patio gates)

EXISTING SPACE (Blue)

To comply with toilet room requirements, the occupant load of the patio cannot exceed 21 occupants.

All bathrooms must be signed as uni-sex.



EGRESS ANALYSIS		
EGRESS ELEMENT	PERMITTED/REQUIRED	ACTUAL
DESIGN OCCUPANT LOAD - INSIDE	98	±99
DESIGN OCCUPANT LOAD - SEASONAL	144	±144
MINIMUM EGRESS WIDTH (DOORS)	64"	128"
MAXIMUM EXIT ACCESS TRAVEL DISTANCE	200'	86±
MAXIMUM COMMON PATH OF TRAVEL	75'	30±
MINIMUM CORRIDOR/AISLE WIDTH	44"	±44"
MINIMUM NUMBER OF EXITS	2	4
MINIMUM SEPARATION OF EXITS	44'	80'

Occupant load is based seating per 1004.4. Fixed seating is defined as, "Fixed or fixture designed and in place including bench seats with or without back arm rests."

LIFE SAFETY/EGRESS LEGEND	
MARK	DESCRIPTION
	ILLUMINATED EXIT SIGN WITH INTEGRAL EMERGENCY LIGHTS (EXISTING)
	EMERGENCY LIGHTS (EXISTING)
CPOT	COMMON PATH OF EGRESS TRAVEL POINT SHOWN IS "WORST CASE"
EATD	EXIT ACCESS TRAVEL DISTANCE POINT SHOWN IS "WORST CASE"
	PATH OF TRAVEL
FE	FIRE EXTINGUISHER
SIGN	ACCESSIBLE SIGNAGE

LIFE SAFETY/EGRESS PLAN
1/8" = 1'-0"

April 8, 2021

MEMO TO: Honorable Mayor and City Council

THROUGH: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Matt McLachlan, AICP Community Development Director

FROM: Jeff Pregler, AICP, Senior Planner

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
ORDINANCE 2021-003
Adoption of Proposed Development Code Text Amendments
Section 151.02.004-Definitions
Section 151.06.011-Reasonable Modification

REQUESTED ACTION:

Approval and adoption of proposed Development Code text amendments as shown in Exhibit A.

RECOMMENDATION:

The City Manager recommends approval.
The Director of Community Development recommends approval.
The Planning & Zoning Commission recommended unanimous approval 3-0.

APPLICANT:

City of Sierra Vista

30-DAY PUBLIC COMMENT PERIOD

The Mayor and City Council approved a 30-day public comments period for the proposed text amendments on February 25, 2021, with Resolution 2021-013.

The City has not received any public comments regarding the text amendments.

BACKGROUND:

The City has been approached by members of the community requesting structural modifications to their homes. The citizens have stated that the modifications would allow for an accommodation due to a disability. In some of these instances, the proposed structural modifications do not meet the dimensional standards (setbacks, height, etc.) per the Development Code. Typically, if there is a request to vary the dimensional standards a variance is required. However, because of the strict criteria for a variance, many of the requests for modification would be denied.

The federal and state Fair Housing Acts, state that, “prohibited discrimination includes a refusal to permit, at the expense of the person with a disability, reasonable modifications of existing premises occupied or to be occupied by such person if such modifications may be necessary to afford such person full enjoyment of the premises.” Since the City promotes inclusiveness and to be compliant with the federal and state fair housing laws, staff is recommending the creation of a reasonable modification request process, which would allow flexibility and expedited reviews for applicants that meet specific criteria.

ANALYSIS

Section 151.02.004, Definitions

The City is proposing the addition of three definitions to help clarify the processing of reasonable modification requests. The three terms included are: “Disabled Person”, “Fair Housing Laws”, and “Reasonable Modification”. The term “Disabled Person” is replacing the existing term “Development Disability” because the definition of “Disabled Person” is all encompassing and better describes the meaning of disability. “Reasonable Modification” is also being defined which helps with the implementation of the Reasonable Modification review process.

Section 151.06.011, Reasonable Modification

This Section is being added to the Development Code and includes a review and approval process to allow for reasonable modifications to homes for the purpose of accommodating the residents living with a disability.

The first amendments to this Section include the application and submittal processes. The application will be available both at City Hall and on the City website. The website has been updated to reflect the various special needs of the disabled community and therefore should make completing the form easier for all citizens. The completed application can be submitted online which will be directed to the applicable staff member reviewing the request. Appropriate documentation will be required as part of the submittal, which will include proof of a disability and written medical certification that an accommodation for the disability is needed. Due to privacy issues, the City will not be requesting disclosure of the specific disability.

The next amendments outline the review and approval process. Reasonable modifications to a home will include requests to reduce building setbacks, increase building height maximums, or increased lot coverage areas. As stated previously, the process to vary these dimensional standards requires a Variance hearing before a Hearing Officer. These hearings are open to

the public and allow neighboring property owners to provide comment. Due to the strict criteria for a variance, many of the requests for reasonable modification would be denied. These denials would conflict with the Fair Housing laws. Therefore, to ensure compliance, all requests for reasonable modification will be reviewed by the Director of Community Development.

An advantage to keeping the review at the staff level will be that the individual's disability will remain private as opposed to potentially being disclosed at a public hearing. Review of the reasonable modification will require notification to the affected adjacent property owner. The property owner can provide comment which will be considered during the review process. The City can place a condition on the approval to minimize impacts on surrounding properties if deemed necessary.

Included in the language are findings which staff will use to make their final determination on the request. Any appeals to the Director of Community Development's decision shall be heard by a Hearing Officer.

Any reasonable modifications requiring home additions will need to submit building plans and meet all requirements of the building and fire codes.

PLANNING & ZONING COMMISSION

The Commission held a public hearing on this item on February 16, 2021 and voted to unanimously approve the amendments.

COMMISSION ON DISABILITY ISSUES

The Commission on Disability Issues (CoDI) reviewed the proposed text amendments at their December 9, 2020 meeting. There was a unanimous consensus to approve the amendments.

Attachments:

Resolution

Exhibit A, Proposed Text Amendments

ORDINANCE 2021-003

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; ADOPTING AMENDMENTS TO THE DEVELOPMENT CODE, BY REFERENCE, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY. NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

WHEREAS, the City of Sierra Vista is proposing Development Code text amendments to the following: Section 151.02.004-Definitions and Section 151.06.011-Reasonable Modification; and

WHEREAS, the City Manager, and Director of Community Development recommend that the amendments to the Development Code, as shown on Exhibit A, be adopted; and

WHEREAS, as required by Article 151.31 of the Development Code, the Mayor and City Council held a public hearing on the amendments after proper notice had been given; and

WHEREAS, the amendments have gone through the 30-day public comment period and no comments have been received.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

That Resolution 2021-013 is hereby reaffirmed, and that the Development Code text amendments, as shown in Exhibit A, are hereby adopted.

SECTION 2

All other ordinances and parts of ordinances in conflict with the provisions of this provision are hereby repealed.

SECTION 3

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 8TH DAY OF APRIL 2021.

FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:

Jeff Pregler, AICP
Senior Planner

ARTICLE 151.02
DEFINITIONS

Section 151.02.004
Definitions

Americans with Disabilities Act: 42 U.S.C. Subsection 1281 et. seq. Pub. L 101-336 and implementing regulations at 28 C.F.R. parts 35 and 36.

~~Developmental Disability~~

~~Physical or mental impairment such as autism, cerebral palsy, epilepsy, or mental retardation.~~

Disabled Person. A person who has a physical or mental impairment, or both, that substantially limits one or more major life activities, including caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, or working.

Fair Housing Laws- means (1) the Federal Fair Housing Act (42 U.S.C. § 3601) and (2) A.R.S. Title 41, Chapter 9, Article 7

Reasonable Modification- means providing disabled persons flexibility in the application of a structure's dimensional standards and lot coverage area requirements and procedures, when necessary to eliminate barriers to housing opportunities. It includes such things as reduced building setbacks, building height that exceeds the maximum requirements, or increasing the lot coverage areas. Reasonable accommodation does not include an accommodation which would (1) impose an undue financial or administrative burden on the city or (2) require a fundamental alteration in the nature of the city's land use patterns and zoning codes.

ARTICLE 151.06 SPECIAL REGULATIONS FOR PARTICULAR USES

Section 151.06.011 Reasonable Modification

A. Intent

1. It is the City's policy to provide individuals with disabilities reasonable modifications in regulations and procedures to ensure equal access to housing, and to facilitate the development of housing. The intent of this Section is to provide a procedure under which a disabled person may request a reasonable modification in the application of a structure's dimensional standards or to the lot coverage areas.

2. This Section is based on requirements of the federal and state fair housing laws and is distinct from the requirements for a variance set forth in Article 151.30.

B. Requesting reasonable modification.

1. Request. A disabled individual may request a reasonable modification to a structure's dimensional standards or to the lot coverage area. A reasonable modification cannot waive a requirement for a conditional use permit when otherwise required or result in approval of uses otherwise prohibited by the City's land use and zoning regulations.

2. Availability of information. Information regarding this reasonable modification procedure will be available at City Hall and on the City websites, and be made available in any other manner as determined by the City.

3. Assistance. The City will provide reasonable assistance to any applicant making a request.

4. Balancing rights and requirements. The City will attempt to balance (1) the privacy rights and reasonable request of an applicant for confidentiality, with (2) the land use requirements for notice, factual findings and rights to appeal, in the city's requests for information, considering an application, preparing written findings and maintaining records for a request for reasonable modification.

C. Application requirements.

1. Application. The applicant shall submit a request for reasonable accommodation on a form provided by the City. The application shall include the following information:

a. The current actual use of the property;

b. The basis for the claim that the individual is considered disabled as defined in this Code and in the fair housing laws as well as current, written certification of need for the requested accommodation from a medical doctor;

c. The rule, policy, practice and/or procedure of the city for which the request for modification is being made, including the Development Code regulation from which reasonable modification is being requested;

d. The type of accommodation sought;

e. The reason(s) why the modification is reasonable and necessary for the needs of the disabled person(s). Where appropriate, include a summary of any potential means and alternatives considered in evaluating the need for the modification;

f. Copies of memoranda, correspondence, pictures, plans or background information reasonably necessary to reach a decision regarding the need for the accommodation; and

g. Other supportive information deemed necessary by the City to facilitate proper consideration of the request, consistent with fair housing laws.

2. Review with other land use applications. If the project for which the reasonable accommodation is being requested also requires some other discretionary approval (such as conditional use permit, architectural review, general plan amendment, zoning amendment, subdivision plat), then the applicant shall submit the reasonable modification application first for a determination, before proceeding with the other applications.

3. Fee. The fee for an application for reasonable accommodation shall be established by resolution of the city council.

D. Approval authority – Notice – Decision.

1. Approval authority.

The Director of Community Development (Director) has the authority to review and decide upon requests for reasonable modifications, including whether the applicant is a disabled individual as defined in this Code.

2. Notice. The City shall notify, by mail, abutting property owner(s) most affected by the reasonable accommodation. The notice shall include a sketch plan of the site illustrating the modification and contact information for providing any comments on the application.

3. Decision. The Director shall render a decision within 30 days after the application is complete, and shall approve, approve with conditions or deny the application, based on the findings set forth in Section E. The decision shall be in writing and mailed to the applicant.

If the application for reasonable modification involves another discretionary decision, the reviewing body for that decision shall accept as final the determination regarding reasonable modification by the Director.

E. Findings – Other requirements.

1. Findings. The reviewing authority shall approve the application, with or without conditions, if it can make the following findings:

- a. The housing will be used by a disabled person;
- b. The requested modification is necessary to make specific housing available to a disabled person;
- c. The requested modification would not impose an undue financial or administrative burden on the City; and
- d. The requested modification would not require a fundamental alteration in the City's land use and zoning regulations.

2. Other requirements.

- a. An approved request for reasonable modification is subject to the applicant's compliance with all other applicable zoning regulations.
- b. Where appropriate, the reviewing authority may condition its approval on any or all of the following:
 - (1) Measures to reduce the impact on surrounding uses;
 - (2) Measures in consideration of the physical attributes of the property and structures;
 - (3) Other reasonable accommodations that may provide an equivalent level of benefit; and
 - (4) Other conditions necessary to protect the public health, safety and welfare.

F. Appeal.

A decision by the Director may be appealed by any aggrieved person to the Hearing Officer in accordance with the appeal procedures of Article 151.30.

April 8, 2021

MEMO TO: Honorable Mayor and City Council

THROUGH: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Matt McLachlan, AICP Community Development Director

FROM: Jeff Pregler, AICP, Senior Planner

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
ORDINANCE 2021-004
Article 151.26-Conditional Use Permits
Article 151.31-Amendments

REQUESTED ACTION:

Approval and adoption of proposed Development Code text amendments as shown in Exhibit A.

RECOMMENDATION:

The City Manager recommends approval.
The Director of Community Development recommends approval.
The Planning & Zoning Commission recommended unanimous approval 3-0.

APPLICANT:

City of Sierra Vista

30-DAY PUBLIC COMMENT PERIOD

The Mayor and City Council approved a 30-day public comment period for the proposed text amendments on February 25, 2021, with Resolution 2021-014.

The City received one comment regarding the amendments which has been included in your packet.

BACKGROUND:

The Community Development Department regularly reviews current code provisions and procedures to identify ways in which the staff and the City can improve efficiencies, clarify requirements and help residents and business owners move through the system more easily. This practice is consistent with previous City Council Strategic Plan initiatives which have mandated the reduction of obsolete or unnecessary code provisions in expectation of making

city government accountable, collaborative and efficient. The proposed text amendments provide for a more streamlined approval process by clarifying requirements for rezonings, text amendments, and conditional use permits, as outlined by Arizona Revised Statutes.

ANALYSIS

The current review and approval process for text and map amendments (rezonings), and conditional use permits requires public hearings before the Planning & Zoning Commission and City Council. The Commission's role is to provide a recommendation to Council at a public hearing, which is then transmitted to the Council for their review and final decision. The Development Code and Arizona Revised Statutes currently require that map and text amendments be noticed a minimum of 15-days prior to the hearings. The conditional use permit public hearing process is not necessarily regulated by Arizona Revised Statutes but was written to include the same public notice requirements as the text and map amendments for consistency. As part of the public notification requirements, staff is required to advertise the hearings in the newspaper, post a sign on the requested property (if applicable), and send out notification to all property owners within 500 feet of the requested property (if applicable). From the date of application submittal to the City Council's final decision, the process takes approximately 45-60 days.

The Arizona Revised Statutes does allow for the public hearing processes to be expedited. According to A.R.S. 9-462.04(D), "*If the planning commission has held a public hearing, the governing body may adopt the recommendations of the planning commission without holding a second public hearing if there is no objection, request for public hearing.*" In other words, if the amendment or conditional use permit is straightforward with no objections, a City Council public hearing would not be required. Rather, the Council could accept the Commission's findings at their next scheduled meeting which does not need to be advertised as a public hearing. However, should there be a protest or request for a public hearing by an affected party, then staff could still advertise a public hearing before City Council. Removing the second public hearing requirement does allow for a more efficient and accelerated approval and review process. The language from the Arizona Revised Statutes has been included in both the Conditional Use Permit and Amendments Articles of the Development Code.

Arizona Revised Statutes also includes provisions to notify the military airport of any map amendments in the City. The notification is to ensure that there are no conflicts regarding the compatibility of the military operations and to ensure no adverse impacts on health and safety. Arizona Revised Statutes further includes the provision that if there is a conflict with a rezoning, that the City Council is required to hold a public hearing to discuss the issues raised by the military installation. The current practice of the City is to notify the Fort Huachuca Encroachment Board of any proposed project in the City and inquire about compatibility issues. If there is a compatibility issue or question raised by the Board, staff works with the applicant to resolve any issues prior to advancing the project. Adding the language to both Articles is codifying current practice and ensuring consistency with state law.

Additional amendments relating to Article 151.26, *Conditional Uses*, include formatting changes, clarifying language, and removal of obsolete or duplicative text. For example, the locational standards section is being removed because the language conflicts with the Matrix of Use Permissions and duplicative requirements are contained in the Commission findings in Section 151.26.006. These findings have been expounded to help the Commission and City Council determine the justification of a conditional use permit.

Additional amendments to Article 151.31, *Amendments*, include formatting changes, clarifying language, and removal of obsolete or duplicative language. Most of Section 151.31.004, *Notice of Public Hearing*, has been removed because the order of proceedings, and rules of procedure are included in the Boards and Commissions Practice and Procedures Guidelines. Again, the findings for map and text amendments have been revised to provide clear justification for the request.

PLANNING & ZONING COMMISSION

The Commission held a public hearing on this item on February 16, 2021 and voted to unanimously approve the amendments.

Attachments:

Resolution

Exhibit A, Proposed Text Amendments

ORDINANCE 2021-004

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; ADOPTING AMENDMENTS TO THE DEVELOPMENT CODE, BY REFERENCE, REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY. NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

WHEREAS, the City of Sierra Vista is proposing Development Code text amendments to the following: Article 151.26-Conditional Use Permits; Article 151.31-Amendments; and

WHEREAS, the City Manager, and Director of Community Development recommend that the amendments to the Development Code, as shown on Exhibit A, be adopted; and

WHEREAS, as required by Article 151.31 of the Development Code, the Mayor and City Council held a public hearing on the amendments after proper notice had been given; and

WHEREAS, the amendments have gone through the 30-day public comment period and one comment has been received.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, AS FOLLOWS:

SECTION 1

That Resolution 2021-014 is hereby reaffirmed, and that the Development Code text amendments, as shown in Exhibit A, are hereby adopted.

SECTION 2

All other ordinances and parts of ordinances in conflict with the provisions of this provision are hereby repealed.

SECTION 3

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, such invalidity shall not affect other provisions which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 8TH DAY OF APRIL 2021.

FREDERICK W. MUELLER
Mayor

APPROVED AS TO FORM:

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:

Jeff Pregler, AICP
Senior Planner

EXHIBIT A

ARTICLE 151.26 CONDITIONAL USES

Sections:

- 151.26.001 Purpose
- 151.26.002 Conditional Uses
- 151.26.003 [Review Considerations](#)~~Authority and Council Action~~
- ~~151.26.004 Locational Criteria~~
- 151.26.004⁵ Application for Conditional Use
- 151.26.005⁶ Notice of Public Hearing
- 151.26.006⁷ Consideration by the Commission
- 151.26.007⁸ Council Action
- 151.26.008⁹ Revocation of Conditional Use Permit
- 151.26.009¹⁰ Automatic Termination of Conditional Use
- 151.26.010¹¹ Fees

Section 151.26.001

Purpose

Each district in the City contains designated permitted uses as a matter of right. In addition to the designated uses in each district, there are conditional uses, neither absolutely permitted as a right nor prohibited by law, which may be compatible within the district. These are privileges, in a sense, and must be applied for and approved by the City. It is the intent of this Article to provide a set of procedures and standards for conditional uses of land or structures which, because of their unique characteristics relative to locational features, design, size, operation, circulation, and public interest or service require special consideration in relation to the welfare of adjacent properties and the community as a whole. It is the purpose of the regulations and standards set forth below to:

- A. Allow, on one hand, practical latitude for use of land and structures, but at the same time maintain adequate provision for the protection of the health, safety, convenience, and general welfare of the community and adjacent properties; and
 - B. Provide for periodic review of Conditional Use Permits to provide for further conditions to more adequately assure conformity of such uses to the public welfare.
- (Ord. 743, passed 4-10-86; Am. Ord. 1151, passed 11-14-02)

Section 151.26.002

Conditional Uses

Conditional uses shall be those established by the Matrix of Use Permissions by Zoning District under Section 151.22.006 of this Code and shall be subject to the approval procedures of this Article.

(Ord. 743, passed 4-10-86; Am. Ord. 752, passed 8-14-86; Am. Ord. 804, passed 3-24-88; Am. Ord. 834, passed 3-9-89; Am. Ord. 854, passed 1-25-90; Am. Ord. 877, passed 2-28-91; Am. Ord. 882, passed 4-25-91; Am. Ord. 888, passed 10-10-91; Am. Ord. 896, passed 1-23-92; Am. Ord. 1151, passed 11-14-02; Am. Ord. 2004-002, passed 2-26-04; Am. Ord. 2011-012, passed 9-22-11; Am. Ord. 2016-002, passed 2-25-16)

Section 151.26.003

Review Considerations Authority and Council Action

A. ~~The Council may approve, approve with conditions, or deny the application for a Conditional Use Permit.~~ In permitting a new conditional use or the alteration of an existing conditional use, the Council can impose, in addition to those standards and requirements expressly specified by this Code, additional conditions which it finds necessary to avoid a detrimental environmental impact and to otherwise protect the best interest of the surrounding area or the community as a whole. These conditions can include, but are not limited to, the following:

1. Limiting the manner in which the use is conducted, including restricting the time a certain activity can take place and restraints to minimize such environmental effects as noise, vibration, air pollution, glare, and odor.
2. Establishing special yard, open space, lot area, or dimensional requirements.
3. Limiting the height, size, or location of a building or other structure or use.
4. Designating the size, number, location, and nature of vehicle access points.
5. Designating the size, location, screening, drainage, surfacing, or other improvements of a parking area or loading area.
6. Limiting or otherwise designating the number, size, location, height, and lighting of signs.
7. Limiting the intensity of outdoor lighting and requiring light shielding.

8. Requiring diking, screening, landscaping, or another facility to protect adjacent or nearby property and designate standards for its installation and maintenance.

9. Designating the size, height, location of screening, and materials of fencing.

10. Protecting and preserving existing trees, vegetation, water resources, wildlife habitat, or another significant natural resource.

(Ord. 743, passed 4-10-86; Am. Ord. 1151, passed 11-14-02)

~~Section 151.26.004~~

~~Locational Criteria~~

~~A. The provisions of this Section are designed to provide siting criteria for the conditional uses specified herein and guidelines for the imposition of additional conditions not specifically provided for herein, to the end that such uses will:~~

~~—1. Be consistent with the intent and purpose of the district in which the use is proposed to locate such use, meet the requirements of the General Plan with regard to providing benefit to the general welfare of the public, and fill a probable need of the public which can best be met by a conditional use at this time and in this place.~~

~~—2. Comply with the requirements of the district within which the conditional use is proposed and in accordance with conditions attached to such use under the authority of this Article.~~

~~B. Conditional uses shall be located subject to the following specific standards:~~

~~—1. Buffering, screening or other means shall be used where necessary to protect the privacy and safety of neighboring properties.~~

~~—2. Solid waste landfills and transfer stations, natural gas storage, sewage treatment plants, and electrical generating facilities shall not be in or adjacent to established residential areas.~~

~~—3. Solid waste landfills and transfer stations, natural gas storage, sewage treatment plants and electrical generating facilities will not provide access from local residential or collector streets. Recycling centers, water reservoirs, telephone communication and switching facilities, runoff detention facilities and City or County maintenance facilities shall not be provided access from local residential streets.~~

~~—4. The site layout promotes energy conservation and user convenience, as well as operational efficiency.~~

~~—5. The site layout conforms to the established street and circulation pattern.~~

~~—6. Noise levels and lights from the facility will not interfere with adjacent land uses. (Ord. 743, passed 4-10-86; Am. Ord. 854, passed 1-25-90; Am. Ord. 1151, passed 11-14-02)~~

Section 151.26.0045

Application for Conditional Use

A. A request for a conditional use, modification of an existing conditional use permit, or a review of an existing Conditional Use Permit shall be initiated by a property owner or the authorized agent by filing an application with the City. Such application shall include:

1. Complete information regarding the proposed location, area, height, bulk, and placement of such use and shall be accompanied by a plot plan prepared in accordance with the provisions of Article 151.18, Site Plan.

~~2. A vicinity ownership map, drawn to scale, showing all parcels in the vicinity adjacent to and surrounding the property proposed for conditional use within a radius of 500 feet of the exterior boundaries of the property.~~

~~—3. Two sets of a typed, printed, or electronic list containing the names and mailing addresses of the owners of parcels within a radius of 500 feet of the exterior boundaries, and identified by the same number as on the vicinity ownership map. One set shall be printed on mailing labels. Correct zip codes must be shown for each address.~~

24. A neighborhood meeting shall be required for all conditional uses that are in, abut, or are separated by a street or alley from any residential zoning district. Neighborhood meetings are to be held ~~subsequent to the submittal of the application, but~~ no later than seven7 days prior to the Commission public hearing. The applicant is responsible for organizing, scheduling, and supplying all materials for the neighborhood meeting. All property owners within 500 feet of the exterior boundaries of the property shall be notified. The applicant will provide the City with information on the meeting date, time, location, and purpose of the meeting. The applicant shall also provide a copy of the letter sent to the adjacent property owners notifying them of the meeting, and a written summary of the meeting to the City.

B. An application filed pursuant to this section shall be accompanied by the required fee. Such fee shall be determined according to a schedule established by resolution of the Council and posted in the office of the City Clerk.

C. The Department of Community Development shall review each application for technical compliance with established application requirements and shall formally accept or reject the application within three working days.

(Ord. 743, passed 4-10-86; Am. Ord. 804, passed 3-24-88; Am. Ord. 1151, passed 11-14-02; Am. Ord. 2004-014, passed 12-9-04)

Section 151.26.0056

Notice of Public Hearing

All applications for Conditional Use Permits shall be considered by the Commission and Council ~~at a public hearing, advertised~~ in accordance with ~~Section 151.26.006~~[this Article](#).

A. Public Notice Requirements

Notice of the time, date, and place of the public hearing, including a general explanation of the Conditional Use Permit will be given at least 15 days before the hearing in the following manner:

1. Newspaper. Each notice of public hearing will be published at least once in a newspaper of general circulation published or circulated in the City.
2. Posting at Public Locations. Each notice of public hearing will be posted at locations identified as posting areas by the City Clerk.
3. Posting on Property. A notice will be posted on the site and shall be printed so that the words, "Conditional Use Permit" and the date and time of the public hearing are visible from a distance of 100 feet.
4. Certified Mailing. A notice will be mailed by certified mail to the owner and applicant or the designated agent.
5. Property Owner Mailing. All property owners within 500 feet of the exterior boundaries of the land subject to the application.
~~Unless otherwise provided, addresses for the required mail public hearing notice will be obtained by the property owner and applicant or his agent, from the County's real property tax records.~~The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with this requirement. In addition, the City may provide notice to others if it has reason to believe that they are affected or otherwise represent an interest that may be affected by the proposed development.
6. Interested Parties. A notice shall be sent to any persons who register their names and addresses with the City as being interested in receiving such notices, for a reasonable fee.

7. Adjoining Political Jurisdictions. Notice shall be sent to municipalities or political jurisdictions that abut the property subject to the application.

(Ord. 2003-021, passed 11-25-03; Am. Ord. 2004-014, passed 12-9-04)

Section 151.26.006~~7~~

Consideration by the Commission

A. All applications for Conditional Use Permits shall be ~~first~~ considered by the Commission at a public hearing, advertised, and conducted in accordance with the provisions of Section 151.26.006.

B. The Commission shall recommend approval, approval with conditions, or denial of the request based on compliance with the following findings: ~~review each application for compliance with the criteria and requirements set forth in Article 151.26 and forward a recommendation of approval, approval with conditions, or denial by resolution to the Council.~~

1. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements, and natural features.

2. Noise levels and lights from the facility do not interfere with adjacent land uses.

2. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

3. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the district.

4. The proposed use satisfies those goals, objectives, and policies of the General Plan that are applicable to the proposed use specifically with regard to providing benefit to the general welfare of the public, and filling a probable need of the public which can best be met by a conditional use.

5. Be consistent with the intent and purpose of the district in which the use is proposed to locate such use.

C. After the hearing, the Commission shall render a decision in the form of a written recommendation to the Council and to the applicant.

The recommendation shall include the reasons for the recommendation and be transmitted to the Council and the applicant by the Director of Community Development.

(Ord. 743, passed 4-10-86; Am. Ord. 804, passed 3-24-88; Am. Ord. 1151, passed 11-14-02; Am. Ord. 2003-021, passed 11-25-03)

Section 151.26.007~~8~~

Council Action

~~A. If the Commission has held a public hearing, the Council may adopt the recommendations of the Commission without holding a second public hearing if there is no objection, request for public hearing, or other protest.~~

B. If an objection, request for public hearing, or other protest is formally submitted, a public hearing shall be required before the Council. The public hearing shall be advertised and meet the public notice requirements as stated 151.26.006. Requests for public hearing, objections, or protests, shall be submitted no more than seven days after the Commission has rendered their decision.

a. The Council shall act to approve, approve with conditions, or deny the request. Any decision must include a determination on whether the request is compliant with findings as stated in 151.26.007.(B). The Director of Community Development shall notify the applicant of the action.

~~A. After a public hearing advertised and conducted in accordance with the provisions of Section 151.26.006, the Council can approve, approve with conditions, or deny the application for a conditional use, provided the applicant submits evidence substantiating that all the requirements of this Code relative to the proposed use are satisfied, and further that the applicant demonstrates the proposed use also satisfies the following criteria:~~

~~—1. The characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements, and natural features.~~

~~—2. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.~~

~~—3. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the district.~~

~~—4. The proposed use satisfies those goals, objectives, and policies of the General Plan that are applicable to the proposed use.~~

B. Written notice of the Council's decision shall be provided by the City to:

1. The applicant; and

2. Any person notified of the application for a conditional use pursuant to Section 151.26.006.

(Ord. 743, passed 4-10-86; Am. Ord. 804, passed 3-24-88; Am. Ord. 1151, passed 11-14-02; Am. Ord. 2003-021, passed 11-25-03)

Section 151.26.0089

Revocation of Conditional Use Permit

A. Any previously granted Conditional Use Permit may be revoked by the Council, after a hearing conducted in the manner required for approval of a Conditional Use Permit initially, upon any one of the following grounds:

1. Failure to comply with the conditions of approval.

2. Discontinuance of the use for a period in excess of one year.

3. Failure to comply with other applicable provisions of the General Plan regarding design, dimensional, or use requirements.

4. A change in the General Plan or standards of the district within which the use is located that have the effect of no longer allowing a new Conditional Use Permit application to be considered in such district.

B. Revocations initiated under Section 151.26.009.A.1 or 2 above can take place immediately after approval of the conditional use permit. Revocations initiated under Section 151.26.009.A.1, 2, and 3 above shall have the effect of making the previously granted conditional use permit void until a new application is submitted and granted. Revocations initiated under Section 151.26.009.A.4 above shall have the effect of making the previously granted conditional use a non-conforming use.

(Ord. 743, passed 4-10-86; Am. Ord. 1151, passed 11-14-02; Am. Ord. 2003-021, passed 11-25-03)

Section 151.26.00910 Automatic Termination of Conditional Use

A. Unless otherwise provided by the Council in the resolution granting approval of the Conditional Use Permit, a Conditional Use Permit shall automatically become null and void

one year after the effective date upon which it was granted unless one of the following events occurs:

1. The applicant or his successor in interest has secured a building permit within said one-year period, if a building permit is required, and has actually commenced construction of the building or structure authorized by the permit within said one- year period.

2. The applicant or his successor in interest has commenced the activity or installation of the facility or structure authorized by the Conditional Use Permit within the one- year period.

B. The applicant may submit a request to the Council for an extension of time on the conditional use permit to avoid the permit becoming null and void. The request for extension must be filed with the City prior to the expiration of the times established by Section A above. The Council can, in the resolution granting such Conditional Use Permit, provide for an extension of time beyond one year.

(Ord. 743, passed 4-10-86; Am. Ord. 1151, passed 11-14-02; Am. Ord. 2003-021, passed 11-25-03)

Section 151.26.0101

Fees

Conditional Use Permit fees shall be determined according to a schedule establish by resolution of the Council and posted in the Office of City Clerk.

(Ord. 2003-021, passed 11-25-03)

ARTICLE 151.31
AMENDMENTS

Sections:

- 151.31.001 Amendments
- 151.31.002 Types of Amendments; Initiation of Same
- 151.31.003 Application for Amendment
- 151.31.004 Notice of Public Hearing
- 151.31.005 [Commission Hearings and Recommendation](#)~~Public Hearing of Applications~~
- 151.31.006 [Council Hearings and Decision](#)~~Appeal from Denial of Amendment~~
- 151.31.007 Protest Against Amendments
- 151.31.008 Reconsideration of Denied Zoning District Map Amendments
- 151.31.009 Fees
- ~~151.31.010 Zoning District Map Amendments Conditioned Upon Site Plan Approval~~

Section 151.31.001
Amendments

The Council may from time to time, upon recommendation of the Commission, amend, supplement, change or repeal the regulations, restrictions and district boundaries herein established. All amendments to this Code and the Zoning District Map shall be consistent with the adopted General Plan, as amended, and shall be a reflection of the City's land use planning goals. Requests to amend this Code may be initiated by the Council or the Commission on their own motions, or by petition from property owners as hereinafter set forth.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 2004-014, passed 12-9-04)

Section 151.31.002
Type of Amendments; Initiation of Same

A. Text Amendment. The application for an amendment to the text of this Code shall state in particular the article, section, subsection, and paragraph sought to be amended. The application for amendment shall contain the language of the proposed amendment and shall recite the reasons for the proposed change in the text.

B. Map Amendment. An application which seeks to change or modify the zoning classification imposed upon a particular piece of property by the district map.

C. The initiation of a change to the text and/or Zoning District Map may be accomplished by one of the following methods:

1. A majority of the property owners in the area of proposed change or their authorized agents; or
2. A majority vote of the Council; or
3. A majority vote of the Commission.
(Ord. 743, passed 4-10-86; Am. Ord. 2004-014, passed 12-9-04)

Section 151.31.003

Application for Amendment

A. **Application Form for Text Amendment.** Application for [a text amendment](#) ~~of the text of this Code~~ shall be made to the City ~~on a standard form provided for this purpose~~ [and include the required information and documentation as specified on the form.](#) ~~The Department of Community Development shall review each application for technical compliance with established application requirements and shall formally accept or reject the application within three working days.~~ The application [submittal, at a minimum](#) shall include:

1. The applicant's name, address, and interest in the amendment; and
2. The language of the proposed amendment to the Code; and
3. Statements in support of the application, including a list of the present conditions justifying the proposed amendment.

B. **Application for Zoning District Map Amendment.** An application for an amendment to the Zoning District Map shall be made to the City and include [the required documentation as specified on the form.](#) ~~The application submittal, at a minimum, shall include the following:~~

1. [Name and address of the applicant. If the applicant is not the owner of the property, the name and address of the owner shall be supplied along with the authorization that the applicant is the agent of the owner and may apply for the permit. Proof of ownership must be submitted with the application. The ownership information shall be as documented in the Cochise County Recorder's Office records.](#) ~~The name and address of all owners of the property for which a change is sought, together with proof of ownership. Proof of ownership shall consist of a copy of a title report issued not more than 30 days prior to the date of the application by a title company authorized to conduct business in the State of Arizona.~~

~~In the event that the application includes other property in addition to that owned by the applicant, there shall be filed by the applicant, a petition in favor of the request signed by~~

~~the real property owners representing at least 75 percent of the land area to be included in the application. Such petition shall be filed and checked for authenticity of ownership before the application is accepted by the City. Proof of ownership shall consist of a copy of a title report as required above.~~

~~In the event that the application includes properties owned by more than one owner, the City shall notify, by certified mail, all property owners as listed on the County Assessor's records included in the area proposed to be changed by the application. Such notice shall be postmarked not later than 15 days prior to any Commission public hearing on the application.~~

~~—2. Where the applicant represents another person, firm, partnership or corporation, the proof of agency, including a list of every real party in interest, whether a beneficiary of a trust or otherwise, shall be provided to the City.~~

~~— a. If the land is owned by a corporation, proof of agency shall consist of a corporate resolution designating the individual to act as an agent. The corporate resolution must be certified by the secretary of the corporation and authenticated by the corporate seal, or acknowledged in the form prescribed by A.R.S. § 33-506.~~

~~— b. If the land is owned by a partnership, proof of agency shall consist of a written document of the partner(s) designating an individual to act as agent. The document must be certified and acknowledged in the form prescribed by A.R.S. § 33-506. If the land is owned by an individual, proof of agency shall consist of a written document designating an individual to act as agent. The document must be certified and acknowledged in the form prescribed by A.R.S. § 33-506.~~

~~23. A preliminary site plan of the property showing the use(s) proposed for the site, showing setbacks, heights, parking areas, landscaping, and other information to assist in the evaluation of the request. The proposed amendment to the district classification or boundary.~~

34. A map drawn to scale showing the existing and proposed district boundaries and an accurate legal description of the area being proposed for the amendment. If the legal description of the property is less than the entirety of the lot, block or parcel described in a recorded subdivision, a legal description and map shall be prepared and certified by a registered surveyor licensed by the State of Arizona.

4. Appropriate public service and utility information, including how the project will be served by water, sewer, gas, electricity, telephone, and other utilities.

~~—5. A vicinity ownership map drawn to scale showing all parcels in the vicinity adjacent to and surrounding the property proposed to be changed within a radius of 500 feet of the exterior boundaries of the property.~~

~~—6. Two sets of a typed, printed, or electronic list containing the names and mailing addresses of the owners of parcels within a radius of 500 feet of the exterior boundaries and identified by the same number as on the vicinity ownership map obtained from the County's real property tax records. One set shall be printed on mailing labels. Correct zip codes must be shown for each address.~~

5-7. Statements reflecting the present conditions justifying the proposed amendment; statements showing that the parcel fulfills the criteria for establishment of the proposed zoning district or, in the absence of the ability to comply, statements as to why the presumption against the rezoning should be overcome; and any other factors or reasons in support of the proposed amendments.

6 Public service information, including how the project will impact local services such as schools, police, parks, fire service, sanitary pick-up, and other similar services. Included shall be how the developer will provide public paved roads, provisions of parks and playgrounds for residential development, and other services required by the project as applicable.

78. A neighborhood meeting shall be required for all Zoning District Map amendments. Neighborhood meetings shall be held ~~are to be held subsequent to the submission of the application form, but~~ no later than seven days prior to the Commission public hearing. The applicant is responsible for organizing, scheduling, and supplying all materials for the neighborhood meeting. All property owners within 500 feet of the exterior boundaries of the property shall be notified. The applicant will provide the City with information on the meeting date, time, location, and purpose of the meeting. The applicant shall also provide a copy of the letter sent to the adjacent property owners notifying them of the meeting, and a written summary of the meeting to the City.

~~—9. A completed Development Impact Questionnaire stating the impacts that the map amendment will have on the community.~~

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 804, passed 3-24-88; Am. Ord. 875, passed 1-10-91; Am. Ord. 2004-014, passed 12-9-04)

Section 151.31.004

Notice of Public Hearing

~~All applications for text and map amendments shall be considered by the Commission and the Council at public hearings advertised in accordance this Section.~~

A. Public Notice Requirements. Notice of the time, date, and place of the public hearing, including a general explanation of the text or map amendment will be given at least 15 days before the hearing in the following manner:

1. Each notice of public hearing for text or map amendments shall be published at least once in a newspaper of general circulation published and posted at locations identified as posting areas by the City Clerk.

2. Notice of the time, date and place of the hearing on Zoning District Map amendments shall be posted on the affected property. A posted notice shall be printed so that the following are visible from a distance of 100 feet: the word “zoning,” the present district classification, the proposed zoning district classification and the date and time of the hearing.

3. Notice of the time, date and place of the hearing for a text or map amendment shall be mailed by certified mail to the owner and applicant or [their](#) ~~his~~ agent.

4. Notice of the time, date and place of hearings on Zoning District Map Amendments shall be sent to all owners of property within 500 feet of the exterior boundaries of the property. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this Code for notice. In addition to persons whom receive notice as required by the matter under the consideration, the City may provide notice to others if it has reason to believe that they are affected or otherwise represent an interest that may be affected by the proposed development.

5. In proceedings involving Zoning District Map Amendments for land that abuts other municipalities or un-incorporated areas of the County or a combination thereof, copies of the notice of public hearing shall be sent to the planning agency of such governmental unit controlling such abutting land.

[6. In proceedings involving Zoning District Map Amendments that has land located within the territory in the vicinity of a military airport or ancillary military facility as defined in section A.R.S. 28-8461, a copy of the notice of public hearing shall be sent by first class mail to the Fort Huachuca Encroachment Board.](#)

~~7~~6. In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided in the manner prescribed in paragraph ~~8~~7 of this Section:

a. A 10 percent or more increase or decrease in the number of square feet or units that may be developed.

b. A 10 percent or more increase or reduction in the allowable height of buildings.

c. An increase or reduction in the allowable number of stories of buildings.

- d. A 10 percent or more increase or decrease in setback or open space requirements.
- e. An increase or reduction in permitted uses.

87. In proceedings governed by this Section, the City shall provide notice to real property owners pursuant to at least one of the following notification procedures 15 days before the hearing in the following manner:

a. Notice shall be sent by first class mail to each real property owner, as shown on the last assessment from the County Assessor's records, whose real property is directly governed by the changes.

b. The City shall include notice of such changes with utility bills or other mailings.

c. The City shall publish such changes prior to the first hearing on such changes in a newspaper or general circulation in the City. The changes shall be published in a display ad covering not less than 1/8 of full page.

98. If notice is provided pursuant to Subsections b or c of Paragraph 7, the City shall also send notice by first-class mail to persons who register their names and addresses with the City as being interested in receiving such notice.

10 If the matter to be considered applies to territory in a high noise or accident potential zone as defined in A.R.S 28-8461, the notice pursuant to Paragraph 7 on this Section, shall include a general statement that the matter applies to property located in the high noise or accident potential zone.

119. Notwithstanding the notice requirements set forth in Subsection A of this Section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the actions of the City for which the notice was given.

(Ord. 743, passed 4-10-86; Am. Ord. 804, passed 3-24-88; Am. Ord. 834, passed 3-9-89; Am. Ord. 2003-008, passed 4-24-03; Am. Ord. 2004-014, passed 12-9-04)

Section 151.31.005

Commission Hearings and recommendation ~~Public Hearing of Applications~~

Every application for amendment of this Code shall be considered by the Commission ~~and Council~~ at a public hearing.

A. Burden of Proof. The burden of proof is upon the proponent. The more drastic the change or the greater the impact of the proposal, the greater is the burden upon the proponent. The proposal must be supported by proof that it conforms to the applicable elements of the General Plan and to applicable provisions of this Code, especially the specific criteria set forth for the particular type of decision under consideration.

B. Order of Proceedings

1. The presiding officer will state the case and call the public hearing to order. The presiding officer may establish the time allowed for the presentation of information.

2. Any objections or jurisdictional grounds shall be noted in the record.

3. Any abstentions or disqualification shall be determined. Members shall announce all conflicts of interest.

4. Presentation of staff report. City staff may also present additional information, whenever allowed by the presiding officer, during the proceedings.

5. The Commission and Council may view the area in dispute for purposes of evaluating the proposal, but shall state the place, time, manner, and circumstances of such viewing in the record.

6. Presentation of information by the applicant or those representing the applicant.

7. Presentation of evidence or inquiries by those persons who support the proposal.

8. Presentation of evidence or inquiries by those persons who oppose the proposal.

9. Presentation of evidence or inquiries by those persons who do not necessarily support or oppose the proposal.

10. Rebuttal testimony may be presented by persons who have testified supporting or opposing the proposed change. The scope of material presented during rebuttal shall be limited to matters that were brought up during the course of the hearing. Rebuttal shall be first presented by the applicant or his representative and then by those opposed to the proposed change. The presiding officer shall limit rebuttal to avoid repetition and redundancy.

11. At the close of presentation of information, rebuttal, and written argument, the presiding officer shall declare that the hearing is closed unless there is a motion to continue

the public hearing. Additional written argument may be permitted at the discretion of the Commission and Council.

12. Once a hearing has been closed, it shall be reopened only upon a majority vote of the Commission and Council and only after a reasonable showing that:

a. There is evidence which was not reasonably available at the time of the hearing; and

b. The evidence is now available to the person seeking to reopen the hearing; and

c. The evidence is factual, substantial, and material. If the hearing is closed, no further evidence shall be received except in response to specific questions directed to staff or one of the parties to clarify earlier evidence. The opportunity for brief rebuttal shall also be afforded to adverse parties.

C. Rules of Procedure

1. Formal rules of evidence shall not apply.

2. Written exhibits, visual aids, affidavits, maps, and the like may be submitted as part of the evidence. Any correspondence presented to or received by any member of the Commission and/or Council, or by any other City agency or official outside the public hearing, may be received as argument and placed in the record, but will not be considered as part of the information, except that correspondence received prior to the closing of the public hearing shall be included as part of the information in that hearing. Unless the Commission or Council specifically allows later filing of argument, no correspondence received after the close of the hearing will be considered as argument.

3. All information received by the Commission and Council shall be retained and preserved and shall be sent to an appellate body in the event an appeal is filed in accordance with Section 151.31.006. True, certified, or recorded copies of original information may be substituted for original documents.

4. All evidence and argument shall be as brief as possible, consistent with full presentation.

5. Redundancy shall be avoided.

6. Each person presenting information or argument shall be permitted to complete his presentation without interruption, except by the presiding officer, to enforce this Code.

7. Discussion of personalities shall be avoided to the extent possible in making a complete presentation.

8. No person present shall engage in applause, cheers, or other vocal or outward expressions of approval or disapproval, agreement or disagreement. If any person persists in such conduct after warning by the presiding officer, such person may be expelled from the hearing.

9. The presiding officer has complete authority to enforce these provisions to assure that a fair hearing is held, including the authority to expel from the public hearing and to bar from further appearance at the public hearing any person who willfully violates any one or more of these provisions.

~~BD. Findings~~~~Considerations.~~ The Commission shall recommend approval, approval with conditions, or denial of the request based on compliance with the following findings.
~~Following the hearing, the Commission and Council shall consider and make a recommendation, taking into account:~~

1. Findings for Map Amendments:

a. The change is consistent with the General Plan goals and policies;

b. The change is consistent with the purpose of the Development Code to promote the growth of the City in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and general welfare;

c. The change is necessary to achieve the balance of land uses desired by the City and to provide sites for needed housing or employment-generating uses; and to increase the inventory of land within a given zoning district to meet market demand.

~~1. The testimony at the hearing;~~

~~2. A site inspection of the property in question;~~

~~3. The recommendations from interested official bodies;~~

~~4. That a map amendment request has addressed:~~

~~a. The need and justification for the change; and,~~

~~b. The consistency of the amendment with the goals and objectives of the General Plan; and~~

~~-c. Whether the proposed amendment benefits the general public welfare and does not constitute a granting of special privileges to an individual.~~

5. That a text amendment:

2. Findings for Text Amendments:

- a. Demonstrates the need and justification for the change; and,
- b. Demonstrates the relationship of the proposed amendment to the City's General Plan with appropriate consideration as to whether the proposed change will further the purposes of this Code and other City ordinances and regulations; and
- c. Consistent with the purposes of the Development Code to promote the growth of the City in an orderly and sustainable manner and to promote and protect the public health, safety, peace, comfort, and~~Benefits the~~ general public welfare_ and does not constitute a granting of special privileges to an individual owner.

C. After the hearing, the Commission shall render a decision in the form of a written recommendation to the Council and to the applicant. The recommendation shall include the reasons for the recommendation and be transmitted to the Council and the applicant by the Director of Community Development.

Section 151.31.006
Council Hearings and Decision

A. If the Commission has held a public hearing, the Council may adopt the recommendations of the Commission without holding a second public hearing if there is no objection, request for public hearing, or other protest.

B. If an objection, request for public hearing, or other protest is formally submitted, a public hearing shall be required before the Council. The public hearing shall be advertised and meet the public notice requirements as stated 151. 31.004. Requests for public hearing, objections, or protests, shall be submitted no more than seven days after the Commission has rendered their decision.

a. The Council shall act to approve, approve with conditions, or deny the request. Any decision must include a determination on whether the request is compliant with findings as stated in 151.31.005.(B) The Director of Community Development shall notify the applicant of the action.

C. The Council shall hold a public hearing should the Fort Huachuca Encroachment Board provide comments or analysis concerning the compatibility of the proposed Zoning District Map Amendment within the high noise or accident potential generated by the military airport or ancillary military facility operations, that may have an adverse impact on public health and safety. The Council shall consider and analyze the comments or analysis before making a final determination.

~~('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 834, passed 3-9-89; Am. Ord. 2004-014, passed 12-9-04)~~

~~Section 151.31.006~~

~~Appeal from Denial of Amendment~~

~~In the event that the request for amendment is denied by the Commission, the applicant may, within seven days from the date of the Commission hearing, file an appeal to the Council. Upon receipt of such an appeal, the Council shall arrange to hold a public hearing upon due notice and posting as heretofore specified.~~

~~('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86)~~

Section 151.31.007

Protests Against Amendments

If the owners of 20 percent or more, (1) either of the area of lots included in a proposed change or (2) of those immediately adjacent in the rear or any side extending 150 feet, or (3) of those directly opposite extending 150 feet from the street frontage of the opposite lots, file a written protest against a proposed amendment, it shall not become effective except by the favorable vote of 3/4 of all members of the Council. If any members of the Council are unable to vote on such a question because of a conflict of interest, then, the required number of votes for passage of the question shall be 3/4 of the remaining membership of the Council, provided that such required number of votes for passage shall, in no event, be less than a majority (4) of the full membership of the Council.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 2004-014, passed 12-9-04)

Section 151.31.008

Reconsideration of Denied Zoning District Map Amendments

In the event that an application for a Zoning District Map Amendment is denied by the Council or is withdrawn after the Commission hearing, the Commission shall not reconsider the application nor consider another application for the same map amendment of this Code as it applies to the same property described in the original application, or any part thereof, for a period of not less than one year from the date of such denial action.

('76 Code, Art. 12-1) (Ord. 743, passed 4-10-86; Am. Ord. 2004-014, passed 12-9-04)

Section 151.31.009

Fees

A filing fee shall accompany each application for amendment to the map or text of this Code, and no part of such fee shall be refundable. Such fees shall be determined according to a schedule established by resolution of the Council and posted in the office of the City Clerk. In addition, the applicant must pay all required publishing costs associated with the appeal.

{'76 Code, Art. 12-1} (Ord. 743, passed 4-10-86)

~~Section 151.31.010~~

~~Zoning District Map Amendment Conditioned Upon Site Plan Approval~~

~~The City Council may approve a Zoning District Map Amendment conditional upon a schedule for development of the specific use or uses for which the change is requested. Applicants requesting change under this Section shall submit, for consideration by the Commission and Council, a statement of the use or uses for which the change is requested, a specific schedule for development detailing the commencement and completion dates of the development of the proposed use and a site plan, prepared in accordance with the provisions of this Code, detailing the development plan for the proposed use. The submitted items will be considered by the Commission and Council at public hearings in accordance with the provisions of this Article. Approval of the site plan by the Commission shall be conditional upon approval of the amendment by the Council. The Council may approve the amendment. If the Council chooses to approve the amendment, approval shall be conditional upon development of the use or uses shown on the approved site plan within the period of time stated in the schedule of development. If, at the expiration of this period, the property has not been improved for the use for which it was conditionally approved, it shall revert to its former classification without additional Council action.~~

~~{'76 Code, Art. 12-1} (Ord. 743, passed 4-10-86; Am. Ord. 834, passed 3-9-89; Am. Ord. 2004-014, passed 12-9-04)~~

From: PIO@SierraVistaAZ.gov
To: [Jeff Pregler](#)
Subject: New feedback on Public Hearing Process Code Change
Date: Monday, March 01, 2021 10:04:04 AM

WARNING: This email originated from outside of SierraVistaAZ.gov. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi

You have received new feedback on the Guestbook on project **Public Hearing Process Code Change** on your site,

-

I don't like the fact that a whole lot of protections are being wiped out for the sake of expediting zone changes. I think more than one public hearing should remain a requirement. This change cedes too much authority to the city council.

-

Added by **armaghighirl_1006**

[Click here](#) to view the feedback

This is an auto-generated email sent when a contribution is added to your site on EngagementHQ. If you do not wish to receive this email in the future, you can configure your tool to not send emails.

March 30, 2021

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager

FROM: Laura Wilson, Director
Parks and Leisure Services

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
RESOLUTION 2021-021, Football Field Dedication
Request

RECOMMENDATION:

The City Manager recommends approval.

The Director of Parks and Leisure Services recommends approval.

The Parks and Recreation Commission unanimously recommend approval.

INITIATED BY:

Berlynda Schaff, Parks and Recreation Commission

BACKGROUND:

The Parks and Recreation Commission is seeking approval from the Mayor and Council to dedicate the recently acquired Football Field located at the Veterans Memorial Sports Complex to Mr. Keith Hampton. Mr. Hampton was a long-time resident and respected football coach in Sierra Vista. The Commission would like to host an official public dedication once the field has been rehabilitated and ready for use.

For almost 25 years, Mr. Hampton, also known as "Coach", dedicated his time and his life to sports programs in Sierra Vista. He was greatly loved by his family, his community, and the players he coached and mentored. He continued to support his players as they grew up and started families of their own. He even had the pleasure of introducing some of the children of his former players to community sports. That was a wonderful accomplishment and brought him a lot of joy.

Mr. Hampton started Arizona Youth Football (AYF) here in Sierra Vista, along with Tom Ransford and Frank Valdez in 1998/1999. Prior to that, he was involved with Pop Warner Football. Mr. Hampton also coached in our local schools, where his children John, Jalen, Kosse, Maggie, Kendra, and Jill attended. After his children left those schools, he stepped up and continued to coach anytime the schools needed a hand.

When Mr. Hampton's health started to decline and he was unable to coach any longer, he pivoted and became the biggest cheerleader in the stands. He and his family would attend games, visit with the parents, their kids, and cheer on the players. He made sure to attend as many games as possible and could be found at sports venues almost constantly. He supported

families and players at games school sports, local league functions, tournaments, fundraisers etc. If there was a game playing, it is almost certain that you would be greeted by his friendly smile, a handshake, or a big hug, as he asked, "how are you doing"?

Mr. Keith Hampton passed away on June 20th, 2020 at the age of 58 after a long battle with end stage kidney failure and short bout with cancer. We lost this kind gentleman much too soon, but he left an incredible legacy behind in his children and in the lives he touched. We hope that the Mayor and Council will support this request to honor a man who gave so much to this community.

BUDGET APPROPRIATION:

Not applicable.

RESOLUTION 2021-021

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA, DEDICATING VETERANS SPORTS COMPLEX FOOTBALL FIELD TO KEITH HAMPTON; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY, OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSE AND INTENT OF THIS RESOLUTION.

WHEREAS, it is in the interest of the City of Sierra Vista to recognize the contributions of area residents who have demonstrated a commitment to the betterment of our community; and

WHEREAS, the City of Sierra Vista City Council and the Parks and Recreation Commission wish to ensure that public facilities and their dedications recognize and represent those best values inherent in those who give generously of their time and efforts in support of the community; and

WHEREAS, it was the unanimous recommendation of the Parks and Recreation Commission to recognize the many fine contributions made by Keith Hampton on behalf of the community.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA AS FOLLOWS:

SECTION 1

The policy of dedicating City facilities and/or areas after citizens who have worked selflessly contributing to our community, be, and hereby is, reaffirmed.

SECTION 2

The Mayor and City Council, honoring the contributions of Keith Hampton, hereby dedicate the Veterans Sports Complex Football Field to him.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 8TH DAY OF APRIL 2021.

Frederick W. Mueller
Mayor

Approval as to Form:

Attest:

Nathan Williams
City Attorney

Jill Adams
City Clerk

Prepared by:
Laura Wilson, Director, Leisure and library Services

April 2, 2021

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Matt McLachlan, AICP, Director, Dept. of Community Development

FROM: Yolanda Velasquez, Grants Administrator

SUBJECT: Request for Agenda Item Placement
Resolution 2021-022, restating the City's Commitment to Fair Housing
in Sierra Vista

Recommendation:

The City Manager recommends approval.
The Assistant City Manager recommends approval.
The Director of the Department of Community Development recommends approval.

Background:

According to HUD, in April, *"we come together as a community and a nation to celebrate the anniversary of the passing of the Fair Housing Act and recommit to that goal which inspired us in the aftermath of the 1968 assassination of Rev. Dr. Martin Luther King Jr.: to eliminate housing discrimination and create equal opportunity in every community.*

Fundamentally, fair housing means that every person can live free; meaning our communities are open and welcoming, free from housing discrimination and hostility. It also means, each one of us, regardless of race, color, religion, national origin, sex, familial status, and disability has access to neighborhoods of opportunity—our children can attend quality schools, our environment allows us to be healthy, and our economic opportunities and self-sufficiency can grow.

Our Commitment to fair housing is a living commitment, one that reflects the needs of America today and prepares us for a future of true integration."

The City of Sierra Vista has and will continue to participate in and educate the citizens in our community about the rights given to every person by the Fair Housing legislation. The City adopts a policy of acceptance through an annual Fair Housing Resolution each April and proclaims April to be Fair Housing Month in Sierra Vista.

Budget Appropriation:

None.

RESOLUTION 2021-022

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; ADOPTING A FAIR HOUSING POLICY, THE CITY MAKES KNOWN ITS COMMITMENT TO THE PRINCIPLE OF FAIR HOUSING AND DESCRIBING ACTIONS IT SHALL UNDERTAKE TO AFFIRMATIVELY FURTHER FAIR HOUSING; AND AUTHORIZING AND DIRECTING THE CITY MANAGER, CITY CLERK, CITY ATTORNEY OR THEIR DULY AUTHORIZED OFFICERS AND AGENTS TO TAKE ALL STEPS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION.

WHEREAS, the Housing and Community Development Act of 1974 as amended requires that all applicants for Community Development Block Grant funds certify that they shall affirmatively further fair housing; and

WHEREAS, the Civil Rights Act of 1968 (commonly known as the Federal Fair Housing Act) as amended, prohibits discrimination in the sale, rental, and financing of dwellings, and in other house-related transactions based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability; and

WHEREAS, fairness is the foundation of the American system and reflects traditional American values and discriminatory housing practices undermine the strength and vitality of America and its people.

NOW, THEREFORE, BE IT RESOLVED THAT THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA AS FOLLOWS:

SECTION 1

That the settled policy of the Mayor and City Council to implement programs, within constraints of City's resources, to ensure equal opportunity in housing for all persons regardless of race, color, religion, sex, disability, familial status, or national origin, this policy, be, and hereby is, reaffirmed.

SECTION 2

That the Mayor and City Council of the City of Sierra Vista hereby wish all persons living in, working in, conducting business in, or traveling through this City to know that the City is committed to Fair Housing and does not condone discrimination in the sale, rental,

and financing of dwellings, and in other house-related transactions based on race, color, national origin, religion, sex, familial status (including children under the age of 18 living with parents or legal custodians, pregnant women, and people securing custody of children under the age of 18), and disability; and,

The City of Sierra Vista will refer all persons who feel that they have been discriminated against regarding Fair Housing issues to the Southwest Fair Housing Council, the State Department of Housing, the Arizona Attorney General's Office, or the Department of Housing and Urban Development (HUD); and,

The City of Sierra Vista shall publicize this Resolution, thereby encouraging owners of rental properties, developers, builders, and others involved with housing to become aware of their respective responsibilities and rights under the Fair Housing Amendments Act of 1988 and any applicable state or local laws or ordinances.

The City of Sierra Vista additionally furthers fair housing by posting copies of this Resolution in public places, proclaiming April as Fair Housing Month in the City of Sierra Vista, posting Fair Housing posters to public areas, and distributing Fair Housing brochures by placing them in information kiosks within City of Sierra Vista buildings.

SECTION 3

The City Manager, City Clerk, City Attorney, or their duly authorized officers and agents are hereby authorized and directed to take all steps necessary to carry out the purposes and intent of this Resolution.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 8TH DAY OF April 2021.

FREDERICK W. MUELLER
Mayor

ATTEST:

APPROVED AS TO FORM:

JILL ADAMS
City Clerk

NATHAN J. WILLIAMS
City Attorney

PREPARED BY: Yolanda Velasquez, Grants Administrator