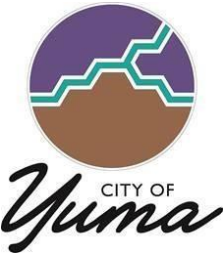


Notice of Public Hearing of the Planning & Zoning Commission of the City of Yuma

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Planning & Zoning Commission of the City of Yuma and to the general public that the Planning & Zoning Commission will hold a hearing open to the public on Monday, May 22, 2023, at 4:30 p.m. at the City Hall Council Chambers, One City Plaza, Yuma, AZ.

 <p>The logo for the City of Yuma features a circular emblem with a stylized mountain range in brown and green, and a blue and green winding path above it. Below the emblem, the words "CITY OF" are in a small sans-serif font, and "Yuma" is written in a large, elegant script font.</p>	<p style="text-align: center;">Agenda Planning and Zoning Commission Meeting City Hall Council Chambers One City Plaza Yuma, AZ Monday, May 22, 2023, 4:30 p.m.</p>
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A. CALL TO ORDER

B. CONSENT CALENDAR – All items listed under the consent calendar will be approved by one motion. There will be no separate discussion of these items unless the Commission or a member of the audience wishes to speak about an item.

B.1 APPROVAL OF MINUTES –

May 8, 2023

B.2 WITHDRAWALS BY APPLICANT – NONE

B.3 TIME EXTENSIONS – NONE

B.4 CONTINUANCES – NONE

B.5 APPROVALS – NONE

C. ACTION ITEMS –

C.1 **CUP-41154-2023**: *This is a request by A & S Engineering Services, Inc., on behalf of Anwar Jatoi, for a Conditional Use Permit to allow a drive-through restaurant, fuel sales, and convenience store in the General Commercial (B-2) District, for the property located at the southeast corner of S. Avenue C and W. 22nd Lane, Yuma, AZ.*

C.2 **CUP-41234-2023**: *This is a request by Dahl, Robins & Associates Inc. on behalf of Troy and Claire Eckard, for a Conditional Use Permit to allow a gas station, convenience store, and drive-through car wash, in the General Commercial (B-2) District. This proposal includes an exception request to reduce the 32nd Street and Avenue 8E setback from 15' to 0' for the car wash drive-through lane and vacuum spaces. The property is located near the northwest corner of Avenue 8E and 32nd Street, Yuma, Arizona.*

D. PUBLIC HEARINGS – NONE

E. EXECUTIVE SESSION – NONE

F. INFORMATION ITEMS

F.1 STAFF

F.2 COMMISSION

F.3 PUBLIC – Members of the public may address the Planning and Zoning Commission on matters that are not listed on the Commission agenda. The Planning & Zoning Commission cannot discuss or take legal action on any matter raised unless it is properly noticed for discussion and legal action. At the conclusion of the call to the public, individual members of the Commission may respond to criticism made by those who have addressed the Commission, may ask staff to review a matter or may ask that a matter be placed on a future agenda. All Planning & Zoning Commission meetings are recorded.

ADJOURN

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

Notice is hereby given, pursuant to the Yuma City Code, Title 15, Chapter 154, Section 02.01, that one or more members of the Planning and Zoning Commission may participate in person or by telephonic, video or internet conferencing. Voting procedures will remain as required by the Yuma City Charter and other applicable laws.

The Commission may vote to hold an executive session for the purpose of obtaining legal advice from the Commission's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3).

**Planning and Zoning Commission Meeting Minutes
May 8, 2023**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, May 8, 2023 at the City of Yuma Council Chambers, One City Plaza, Yuma, Arizona.

PLANNING AND ZONING COMMISSION MEMBERS present were Chairman Chris Hamel, Vice Chairman Loraine Arney and Commissioners Branden Freeman, Edgar Olvera, and John Mahon. Commissioners Joshua Scott and Ashlie Pendleton were absent.

STAFF MEMBERS present included; Emily Hart, Assistant City Attorney; Alyssa Linville, Director of Planning & Neighborhood Services; Jennifer Albers, Assistant Director of Planning; Andrew McGarvie, Engineering Manager; Amelia Dombly, Senior Planner; Erika Peterson, Associate Planner; Zenia Fiveash, Assistant Planner; Guillermo Moreno-nunez, Assistant Planner and Lizbeth Sanchez, Administrative Specialist.

Chairman Chris Hamel called the meeting to order at 4:30 p.m., and noted there was a quorum present.

CONSENT CALENDAR

MINUTES – February 27, 2023

April 24, 2023

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Lorraine Arney, second by Edgar Olvera to APPROVE the Consent Calendar as presented. Motion carried unanimously, (5-0) with two absent.

Action Items–

CUP-41136-2023: *This is a request by Leonard Sanchez, on behalf of Leonard Sanchez and Glenda Curtis Living Trust, for a Conditional Use Permit to allow a real estate office and nursery in the Heavy Industrial/Airport Overlay (H-I/AD) District. The property is located at 2730 E. 24th Street, Yuma, Arizona.*

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

QUESTIONS FOR STAFF

Vice-Chairman Lorraine Arney asked if the proposed project would be a plant nursery, and if it would be open to the public. **Peterson** replied yes. **Arney** then asked if nine parking spaces would be enough for the establishment. **Peterson** stated that nine parking spaces met the zoning requirements for the property.

APPLICANT/APPLICANT'S REPRESENTATIVE

Leonard Sanchez, 2601 Walking Horse Ln, Yuma, AZ, was available for questions and stated that he would add more parking spaces if needed.

PUBLIC COMMENT

None

Motion by Brandon Freeman, second by John Mahon to APPROVE CUP-41136-2023 as presented. Motion carried unanimously, (5-0) with two absent.

CUP-41169-2023: This is a request by Dahl, Robins & Associates Inc. on behalf of Troy and Claire Eckard, for a Conditional Use Permit to allow a drive-through Starbucks, in the General Commercial (B-2) District. This proposal includes an exception request to reduce the 32nd Street setback from 15' to 0' for the entire project frontage. The property is located near the northwest corner of Avenue 8E and 32nd Street, Yuma, Arizona.

Amelia Domby, Associate Planner summarized the staff report and recommended **APPROVAL**. **Domby** also added that although the original request included reducing the front yard set back to 0' feet, the applicant was able to develop the lot with no setback reduction.

QUESTIONS FOR STAFF

Chairman Chris Hamel asked if the 15' set back wasn't required because there would be a shoulder between the roadway and the edge of the lot. **Domby** confirmed.

Commissioner Branden Freeman asked about the ingress and egress of the parcel. **Domby** replied that an access easement would be provided along the north side of the property. **Freeman** then asked if there was a right turn lane exiting the property. **Engineering Manager, Andrew Mcgarvie**, said that a vertical median would force traffic to exit right.

Vice-Chairman Lorraine Arney asked if there were any plans for the adjacent lots. **Domby** mentioned that a Conditional Use Permit request for a gas station, convenience store and carwash would be heard at the next Planning and Zoning meeting, for the adjacent lot.

APPLICANT/APPLICANT'S REPRESENTATIVE

Troy Eckard, 2265 S. Rodriguez Way, Yuma, AZ, was available for questions. **Hamel** congratulated Eckard on the proposed project and mentioned that with high traffic in that area he would have a successful business.

PUBLIC COMMENT

None

Motion by Lorraine Arney, second by Brandon Freeman to APPROVE CUP-41169-2023 as presented, without the 32nd Street setback exception request. Motion carried unanimously, (5-0) with two absent.

INFORMATION ITEMS

Staff

Alyssa Linville, Director of Planning and Neighborhood Services, introduced and congratulated, **Jennifer Albers** as the new Assistant Director of Planning and informed the commission that Albers would be taking her place at the dais moving forward.

Commission

None

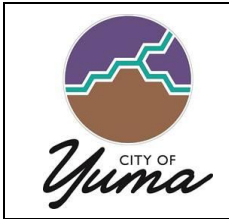
Public

None

Chairman Hamel adjourned the meeting at 4:45PM.

Minutes approved this _____ day of _____, 2023

Chairman



**STAFF REPORT TO THE PLANNING & ZONING COMMISSION
DEPARTMENT OF PLANNING AND NEIGHBORHOOD SERVICES
COMMUNITY PLANNING DIVISION
CASE TYPE – CONDITIONAL USE PERMIT
CASE PLANNER: BOB BLEVINS**

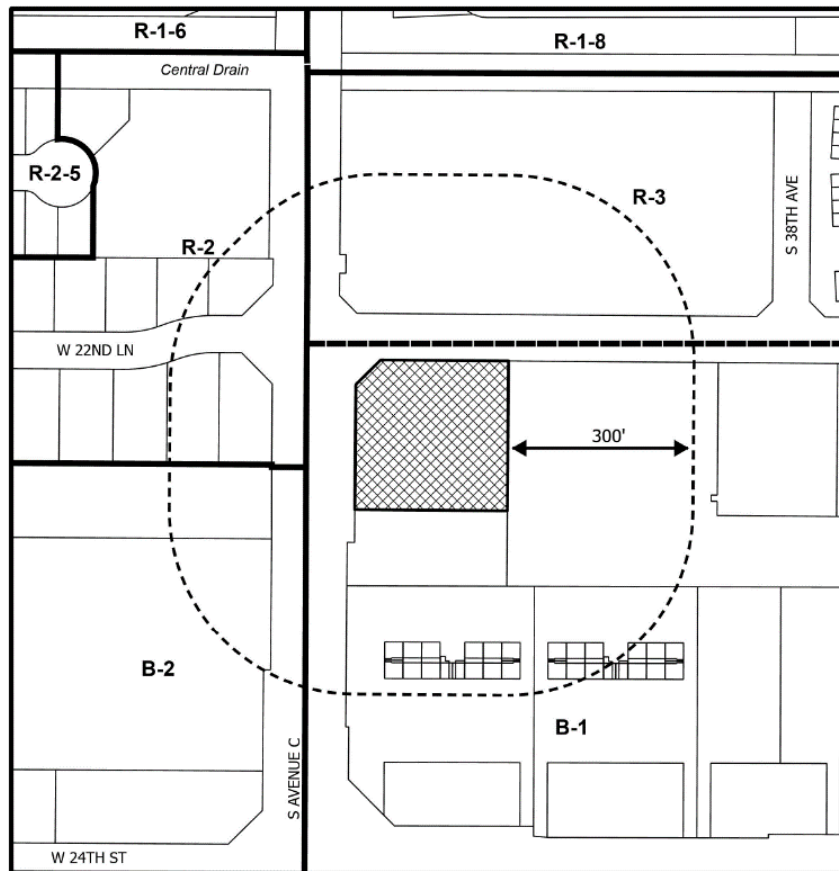
Hearing Date: May 22, 2023

Case Number: CUP-41154-2023

Project Description/Location: This is a request by A & S Engineering Services, Inc., on behalf of Anwar Jatoi, for a Conditional Use Permit to allow a drive-through restaurant, fuel sales, and convenience store in the Limited Commercial (B-1) District, for the property located at the southeast corner of S. Avenue C and W. 22nd Lane, Yuma, AZ.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	Limited Commercial (B-1)	Vacant	Commercial
North	High Density Residential (R-3)	Apartments	High Density Residential
South	Limited Commercial (B-1)	Mission Valley Plaza	Commercial
East	Limited Commercial (B-1)	Self-Storage Facility	Commercial
West	General Commercial (B-2) / Medium Density Residential (R-2)	Construction Office / Single-family homes	Commercial / Medium Density Residential

Location Map:



Prior site actions: Annexation: O-2212 (06-20-1984); Rezone: Z95-17, Z2001-007; Subdivision: S2002-001 (Meyer Farms), LS-2006-11 (Meyer Farms Commercial Lot Split); Conditional Use Permit: CU 04-19 (Retail Motor Fuel Sales and Convenience Market –expired); CUP-13403-2016 (Retail Motor Fuel Sales and Convenience Market –expired).

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to allow a drive-through restaurant, fuel sales, and convenience store in the General Commercial (B-1) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-41154-2023 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by A & S Engineering Services, Inc., on behalf of Anwar Jatoi for a drive-through restaurant, fuel sales, and convenience store in the Limited Commercial (B-1) District, for the property located at the southeast corner of S. Avenue C and W. 22nd Lane, Yuma, AZ., subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: **The Proposal:** The applicant is proposing a 4,995 square foot convenience/retail store with 8 fuel dispensers, plus a free-standing drive-through restaurant on a 1.35 acre corner lot. The Zoning Ordinance (Code) requires 150 feet of frontage on an arterial street and a minimum parcel size of 22,500 square feet for retail fuel sales. This proposal exceeds those standards.

Two previous Conditional Use Permits were approved for similar projects (in 2004 and 2016). Those cases expired due to no action. The property remains vacant with no development commenced.

The applicant states:

“The proposal is to construct the following:

- Proposed 3,870 SF Food Mart Building
- Proposed 1,125 SF Retail Store Building
- Proposed 2,037 SF QSR [Quick Service Restaurant] Building
- Proposed 5,880 SF Fuel Canopy
- Install eight (8) new fuel dispensers
- Proposed Parking Spaces (44)
- New underground Storage Tanks
- Install new electrical cabinet
- New propane cabinet
- Install new drive-thru window”

Traffic and Circulation:

Presently there is a raised median on Avenue C, limiting direct turns into the property if heading south on Avenue C. However, the Avenue C median has a break at 22nd Lane, which allows traffic access into the property via 22nd Lane. Access to this development off Avenue C heading north will necessitate a turn lane into the property, with exiting northbound on Avenue C and east/west on 22nd Lane.

Noise:

There is no car wash proposed in this new case, eliminating a possible noise issue. However, noise from speakers and delivery vehicles is still a concern. Staff is proposing conditions of approval to help alleviate the noise issue, while accommodating a busy commercial operation in close proximity to residences.

The proposed Conditions #7 and #8 attempts to limit sound emanating from the business from going beyond the property boundaries. Besides controlling the volume on any permanent outdoor speakers at the fuel islands or from the building, staff suggests signs be posted at the fuel islands and/or building entrances with wording something like:

“In consideration of the nearby residences, please lower the sound level from vehicle speakers while at ARCO AM/PM.”

The La Mirada Apartments complex was constructed in 2001. The apartment buildings are separated from this proposed convenience store and fuel sales by two rows of the apartment complex’s tenant parking, landscaping, and the 70 foot wide 22nd Lane pavement.

Parking:

The parking requirement for fuel dispensers is 1.5 parking spaces per dispenser for the first 6 dispensers, with an additional one parking space for each additional dispenser after the first 6. In this instance, the code requires 11 parking spaces for the dispensers; the proposed site plan shows 12 parking spaces.

The parking requirement for the retail store is one space per 300 square feet of gross floor area. In this instance, the code requires 15 parking spaces; the proposed site plan shows 19 spaces.

The parking requirement for the drive-thru restaurant is seven spaces in a stacking lane per service window plus one space per 50 sq. ft. where the public is served (the seating area whether indoors or outdoors). The site plan shows 18+ spaces.

There is a total of 44 parking spaces shown on the plans, which exceeds the City Code requirement of 40 spaces.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

SPECIFIC IMPACT AREA		ISSUE	CONDITION #
A.	Traffic	Circulation and access off Avenue C.	3, 4 & 5
B.	Parking	Non-issue.	
C.	Lighting	Need to ensure light stays on property including vehicle headlights.	9 & 10

D	Hours of Operation	Noise from delivery vehicles.	7
E	Indoor/Outdoor Activities	Non-issue.	
F.	Noise	Reduce noise from speakers and vehicles.	8
G.	Air Quality	Non-issue.	
H.	Hazardous Materials	Non-issue.	
I.	Crime Prevention (CPTED)	Adequate outdoor lighting on all sides of the buildings.	9
J.	Other	None	

2. Does the site plan comply with the requirements of the zoning code?

Yes.

3. Does the proposed use and site plan comply with Transportation Element requirements?

Yes.

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
Avenue C- Minor Arterial 4 lane	50 FT H/W ROW	52.5 FT H/W	N/A	N/A	N/A	Yes
Bicycle Facilities Master Plan	Avenue C – Existing Bike Lane					
YCAT Transit System	Green Route 4					
Issues:	None					

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Code requires review of Conditional Use Permits of this type by the Planning and Zoning Commission.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes The proposed use will be on a busy street near a major intersection. It will be reviewed for lighting and traffic circulation to meet code, and to adhere to the conditions of approval.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes Access will be via a northbound Avenue C turn lane and from 22nd Lane.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes The new buildings and use are not directly contiguous to residences and none are planned to be closer. The nearest residences are separated by the Avenue C right-of-way or by the 22nd Lane right-of-way and a parking lot.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. This project has two buildings and a canopy of normal size and height. No buildings are over one story in height.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. All lighting will be reviewed for safety and shielding. The unique noise and lighting issues particular to this type of business are addressed in the conditions of approval. However- this is a busy commercial area, and will have increased traffic created by successful businesses- so additional noise and traffic is anticipated.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. Lighting and landscaping is reviewed so all areas of the property are visible and safe for both pedestrians and vehicular traffic. A photometric survey is required to ensure there are not areas of shadow or insufficient lighting- while still keeping the light from exceeding the edges of the property.

Public Comments Received: None received.

Agency Comments: See Attachment D.

Neighborhood Meeting Comments: See Attachment E.

Discussions with Applicant/Agent: 05/01/23

Proposed conditions delivered to applicant on: 04/20/23

Final staff report delivered to applicant on: 05/25/23

	Applicant agreed with all of the conditions of approval on: (enter date)
X	<p>Applicant did not agree with the following conditions of approval:</p> <p>The applicant needs clarification on City Engineering Conditions #3, 4, 5 & 6:</p> <p>3. The Owner/Developer will install a northbound to east right turn lane for accessing the property off of Avenue C through the platted access easement. Typical taper length of 100 feet and stacking distance of 100 feet minimum.</p> <p>4. The Owner/Developer shall work with the South property developer to share in the above turn lane costs acceptable to both developers, as both properties gain from said turn lane.</p> <p>5. The Owner/Developer will provide a traffic study per City of Yuma Construction Standard 2-040.</p> <p>6. The Owner/Developer shall remedy any conclusions in the traffic study affecting on-site and off-site improvements, by designing and constructing said improvements, or through a payment in lieu, pending City Engineer approval.</p> <p>The applicant is opposed to Condition #7:</p> <p>7. All deliveries, including fuel, must occur between sunrise and sunset.</p> <p>Applicant Response: <i>"We are objecting to item no. 7. We can not limit the time of the fuel deliveries, as you know, our daily fuel requirements will depend on the sales for that day. We can work on limiting the hours of delivery for the food guys, but not fuel deliveries."</i></p>

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

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

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

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

3. The Owner/Developer will install a northbound to east right turn lane for accessing the property off of Avenue C through the platted access easement. Typical taper length of 100 feet and stacking distance of 100 feet minimum.
4. The Owner/Developer shall work with the South property developer to share in the above turn lane costs acceptable to both developers, as both properties gain from said turn lane.
5. The Owner/Developer will provide a traffic study per City of Yuma Construction Standard 2-040.
6. The Owner/Developer shall remedy any conclusions in the traffic study affecting on-site and off-site improvements, by designing and constructing said improvements, or through a payment in lieu, pending City Engineer approval.

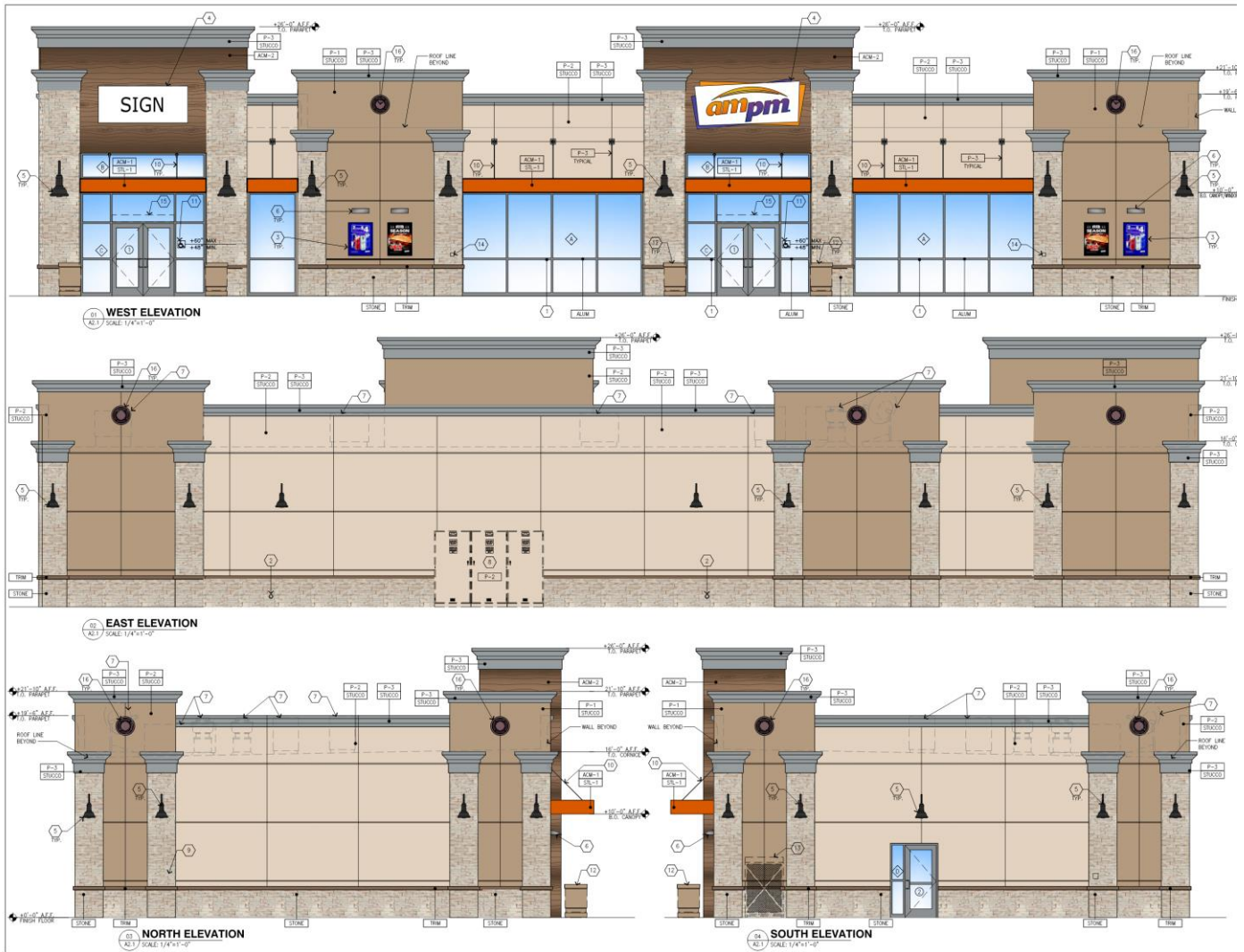
Community Planning, Robert M. Blevins, Principal Planner (928) 373-5189:

7. All deliveries, including fuel, must occur between sunrise and sunset.
8. All sound from any speakers on the property cannot be audible from beyond the property boundaries. This includes sound from speakers in vehicles.
9. All parking lot and exterior building lighting, other than internally-lit signs, must be shielded and/or directed downwards so as not to have light trespass onto the right-of-way or neighboring properties. As part of the electrical and building permit process, a photometric data site plan must be submitted, showing the light emissions to be contained upon the property. If using LED exterior lighting, the color temperature of the LEDs must be 3000 K or lower.
10. The trash enclosure must be of block construction with solid gates and the entire enclosure coated with an anti-graffiti coating and painted to compliment the main development on the property.
11. The Owner shall provide a minimum three foot (3') high solid masonry screen wall with poured concrete footings under a mortared permanent block wall; installed to effectively screen drive-thru customer's automobile headlights from traffic utilizing 22nd Lane and Avenue C, in place prior to the date of business opening. The wall is to be installed exactly as shown on the approved construction plans and be completed prior to the Certificate of Occupancy.

12. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
13. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
14. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
15. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

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

ATTACHMENT C ELEVATIONS

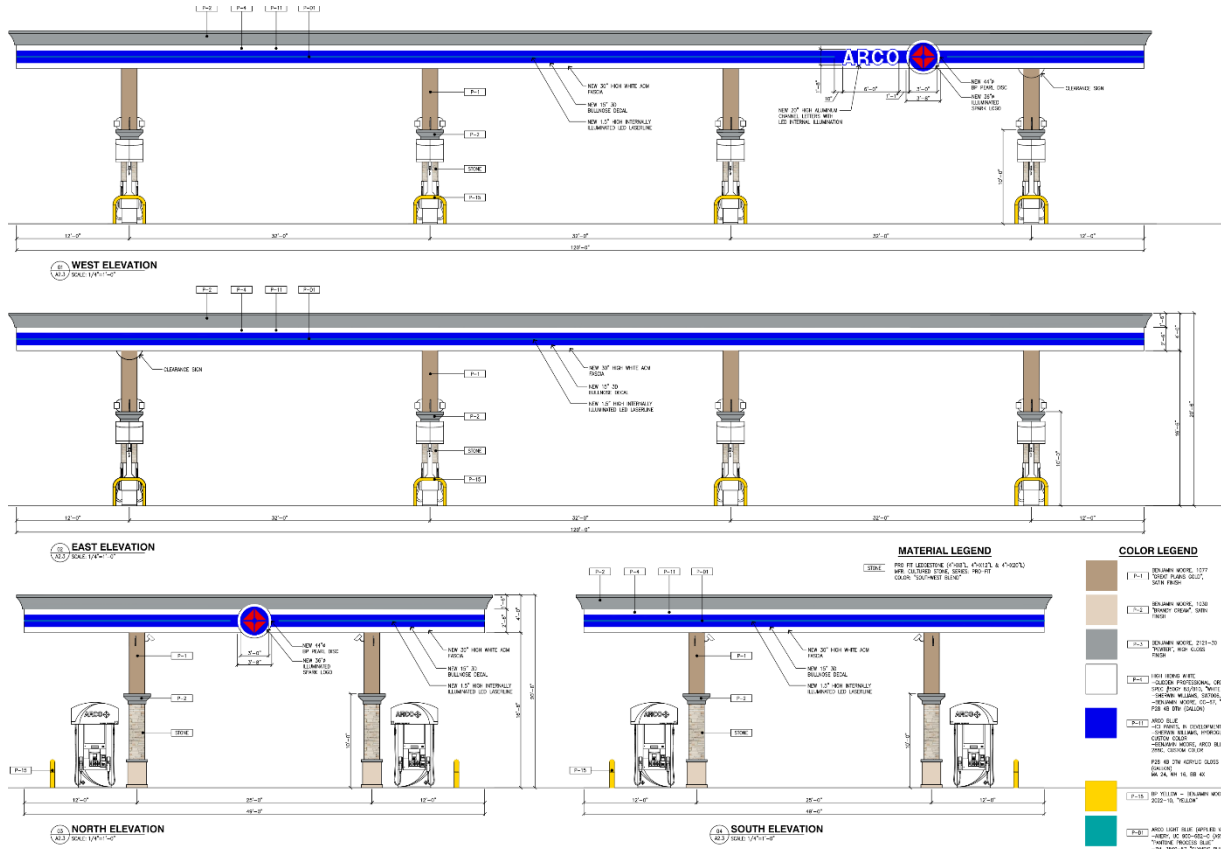


Retail/Convenience



Quick-Service Restaurant

Fuel



**ATTACHMENT D
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (05/19/23)
- **300' Vicinity Mailing:** (04/24/23)
- **34 Commenting/Reviewing Agencies noticed:** (04/27/23)
- **Site Posted on:** (04/10/23)
- **Neighborhood Meeting:** (04/19/23)
- **Hearing Date:** (06/12/23)
- **Comments due:** (05/08/23)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	04/07/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	YES	04/14/23	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Fort Yuma Quechan Tribe	YES	04/06/23	X		
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	YES	04/10/23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	04/11/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	04/14/23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

ATTACHMENT E
NEIGHBORHOOD MEETING COMMENTS

Date Held: 04/19/23

Location: At the property.

Attendees: Property Owners: Anwar Jatoi, Kyong Cha Jatoi, Sami Panhwar; Agent: Ahmad Ghaderi of A&S Engineering; City Staff: Bob Blevins, Guillermo Moreno-Nunez.

No neighbors were in attendance.

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

- THIS IS AN ARCO/ AM PM. SAME OWNERS AS 16TH STREET AT REDONDO, AND 4TH AVENUE, AND IN SAN LUIS.
- WILL HAVE A DRIVE THRU QUICK SERVICE RESTAURANT.
- WE WILL MEET AND EXCEED LANDSCAPING REQUIREMENTS.
- WILL DECIDE SOON ON TENANT FOR THE RETAIL SUITE.

**ATTACHMENT F
NEIGHBOR NOTIFICATION LIST**

Property Owner	Mailing Address	City/State/Zip Code		
TORRES LUIS F AND LIZBETH	4022 W 22ND LN	YUMA	AZ	85364
RODRIGUEZ PETER C & ANA S JT	4023 W 22ND LN	YUMA	AZ	85364
DIEZ FAMILIA AZ LLC	6656 E MOUNTAIN VIEW PL	YUMA	AZ	85365
VALENZUELA EDGARDO V & LEONOR JT	4008 W 22ND LN	YUMA	AZ	85364
GASTELUM JOSE BALTAZAR	4009 W 22ND LN	YUMA	AZ	85364
BORDER SELF STORAGE LLC	2921-B S KISH AVE	YUMA	AZ	85365
WALLACE FAMILY REVOCABLE TRUST AGREEMENT 7-19-1999	3400 S AVENUE 7 E SPC 400	YUMA	AZ	85365
KUDER EVELIA	3756 W 18TH PL	YUMA	AZ	85364
ESPINOZA ALBERTO &	4653 W 27TH ST	YUMA	AZ	85364
YUMA EL CENTRO AZ LLC	PO BOX 3170	SOMERTON	AZ	85350
WATTS KAREN A	340 W 32ND ST # 378	YUMA	AZ	85364
MCKIVERGAN MICHAEL T & MARIA A JT	3970 W 24TH ST #206	YUMA	AZ	85364
3860 W 24TH LLC	PO BOX 448	CORONA DEL MAR	CA	92625
SSM MANAGEMENT SERVICES LLC	3008 S BRANDING IRON CT	YUMA	AZ	85365
NEELAPPA MALLAPPA & CYNTHIA TRUST 4-14-2001	2204 W 12TH ST	YUMA	AZ	85364
KERN DAVID L & DORA A TRUST 6-16-2016	3672 W 38TH PL	YUMA	AZ	85365
JLK YUMA INVESTMENTS AZ LLC	1270 E COUNTY 16TH ST	YUMA	AZ	85365
CARRASQUILLO OMAR &	1626 S 9TH AVE	YUMA	AZ	85364
MCKIVERGAN MICHAEL & MARIA	1358 S HETTEMA ST	YUMA	AZ	85364
MISSION VALLEY PLAZA UNIT OWNERS ASSOCIATION INC AZ CORP	400 S MAIN ST	YUMA	AZ	85364
PERSEVERANCE AZ LLC	18671 E LARK DR	QUEEN CREEK	AZ	85142
MIRELES RENE	2024 PLAZA ACAPULCO	CHULA VISTA	CA	91914
MCKIVERGAN MICHAEL T & MARIA A JT	3073 W 29TH ST	YUMA	AZ	85364
YUMA/ELCENTRO AZ LLC	PO BOX 3170	SOMERTON	AZ	85350
ESPARZA PROPERTY MANAGEMENT LLC	PO BOX 1117	SOMERTON	AZ	85350
RAFI ENTERPRISE LLC	1513 W 32ND PL	YUMA	AZ	85365-3914
FILA FRANK A	1170 S BARDEAUX AVE	YUMA	AZ	85364
MORLAND J & C TRUST 7-27-2017	400 S MAIN ST	YUMA	AZ	85364
NGUYEN CUONG DANG	660W CATALINA DR	YUMA	AZ	85364
LATERRAVILLA OWNER LLC	301 E BETHANY HOMES RD STE C295	PHOENIX	AZ	85012
PASQUINELLI GARY J TRUST 9-25-90	2144 W 24TH ST STE 1	YUMA	AZ	85364
LEE LYDIA	PO BOX 5986	YUMA	AZ	85364

**ATTACHMENT G
NEIGHBOR MAILING**

This is a request by A & S Engineering Services, Inc., on behalf of Anwar Jatoi, for a Conditional Use Permit to allow a drive-through restaurant, fuel sales, and convenience store in the General Commercial (B-2) District, for the property located at the southeast corner of S. Avenue C and W. 22nd Lane, Yuma, AZ.

**MEETING DATE,
TIME & LOCATION**

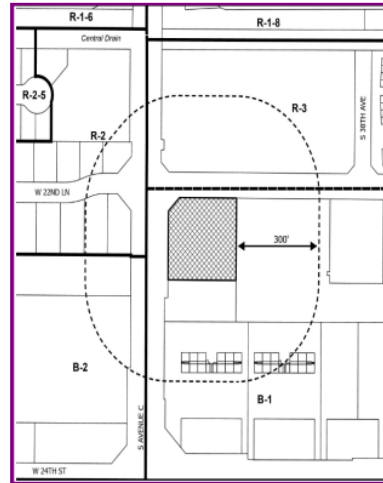
FOR CASE #
CUP-41154-2023

NEIGHBORHOOD MEETING

04/19/2023 @ 5PM
ON-SITE

PUBLIC HEARING

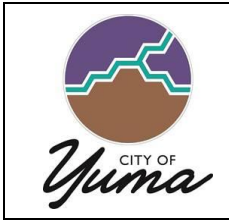
05/22/2023 @ 4:30pm
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of South Avenue C and West 22nd Lane Yuma, AZ. You are invited to attend these meetings to voice your comments. If you have questions or wish to submit written comments, please contact Robert Blevins by phone at (928) 373-5189 or by email at Robert.Blevins@YumaAz.gov

ATTACHMENT H
AERIAL PHOTO





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

Hearing Date: May 22, 2023

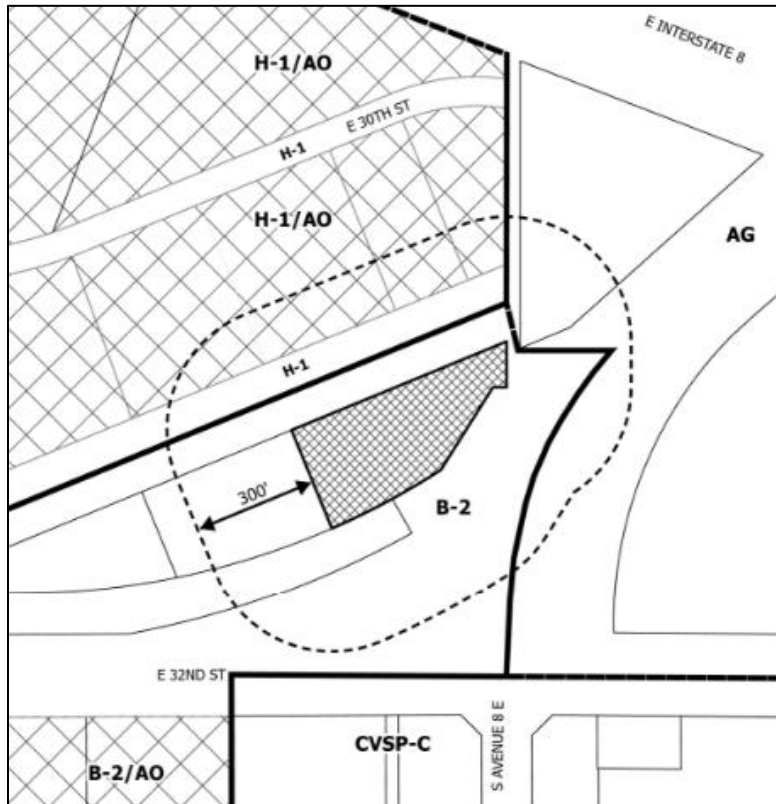
Case Number: CUP-41234-2023

Project Description/ Location:

This is a request by Dahl, Robins & Associates Inc. on behalf of Troy and Claire Eckard, for a Conditional Use Permit to allow a gas station, convenience store, and drive-through car wash, in the General Commercial (B-2) District. This proposal includes an exception request to reduce the 32nd Street and Avenue 8E setback from 15' to 0' for the car wash drive-through lane and vacuum spaces. The property is located near the northwest corner of Avenue 8E and 32nd Street, Yuma, Arizona.

	Existing Zoning	Use(s) on-site	General Plan Designation
Site	General Commercial (B-2) District	Undeveloped	Commercial
North	Heavy Industrial/Aesthetic Overlay (H-I/AO) District	Undeveloped	Industrial
South	Cielo Verde Specific Plan (CVSP-C)	4 th Avenue Gym Foothills	Commercial
East	Agriculture (AG) District	Undeveloped	Commercial
West	Conditional General Commercial (B-2) District	Undeveloped	Commercial

Location Map:



Prior site actions: Annexation: Ord. O99-29 (July 3, 1999); Rezone: Ord. O2001-11 (February 7, 2001); Subdivision: Mid Pointe Plaza Lot Tie/Lot Split (In Process)

Staff Recommendation: Staff recommends **APPROVAL** of the Conditional Use Permit to allow a gas station, convenience store, and drive-through car wash with an exception to reduce the 32nd Street and Avenue 8E setback from 15' to 0' for the car wash drive-through lane and vacuum spaces in the General Commercial (B-2) District, subject to the conditions outlined in Attachment A.

Suggested Motion: Move to **APPROVE** Conditional Use Permit CUP-41234-2023 as presented, subject to the staff report, information provided during this hearing, and the conditions in Attachment A.

Effect of the Approval: By approving the Conditional Use Permit, the Planning and Zoning Commission is authorizing the request by Dahl, Robins & Associates Inc. on behalf of Troy and Claire Eckard to allow a gas station, convenience store, and drive-through car wash with an exception to reduce the 32nd Street and Avenue 8E setback from 15' to 0' for the car wash drive-through lane and vacuum spaces for the property located near the north west corner of Avenue 8E and 32nd Street, subject to the conditions outlined in Attachment A, and affirmatively finds that the seven Conditional Use Permit criteria set forth in Section 154-03.05(G)(2) of the City of Yuma Zoning Code have been met.

Staff Analysis: The subject property is located near the northwest corner of Avenue 8E and 32nd Street. The property is undeveloped and is currently in the Lot Split process (Future Lot C). Upon finalization of the Lot Split, the subject property, future Lot C, will be approximately 2.7 acres in size.

The applicant is proposing a new gas station, convenience store, and drive-through car wash. The gas station will include a 4,600 square foot canopy with eight (8) fuel dispensers and an approximately 7,326 square foot convenience store building. The convenience store will include a Wetzel Pretzel QSR (Quick Service Restaurant), which will sell pretzel goods typically associated with a Wetzel Pretzel QSR facility. Also proposed is a 5,152 square foot express drive-through car wash, which will be provided with eighteen (18) vacuum parking spaces. Within the General Commercial (B-2) District, a Conditional Use Permit is required for the proposed uses.

Based upon the proposed use for the subject property, the parking requirement is as follows: motor fuel sales (retail) is one and one-half spaces for each pump dispenser up to the first six pump dispensers and one space for each additional pump dispenser, convenience food stores is one space for each 400 square feet of gross floor area, office is one space for each 300 square feet of gross floor area, and cafes/restaurants require one space for each 50 square feet of gross floor area where the public is served. The proposed project will provide 56 parking spaces.

The typical hours of operation are estimated to be as follows: convenience store will operate 24 hours a day and the car wash will operate 7:00am to 8:00pm. The number of employees per use will range from the day of the week to the number of shifts per day. The car wash building is estimated to have 2 to 4 employees per shift and the convenience store is estimated to have 2 to 4 employees per shift.

In addition, the applicant states that deliveries to the convenience store will be scheduled during off peak periods most likely during the early AM period (7:00am to 10:00am). Due to the numerous diverse types of products to be sold in the convenience store it is anticipated that deliveries to the convenience store may occur up to six times a week. Deliveries for fuel deliveries will also be scheduled for non-peak periods in an effort to minimize any on-site circulation disruptions.

Upon utilization of the site, all development standards will need to be met including paved parking and access, lighting, and parking lot landscaping.

An exception request to reduce the minimum setback requirement from 15' to 0' along 32nd Street and Avenue 8E was included with this Conditional Use Permit application. However, the zoning code requires a 15' setback from public or private street right-of-way lines. Due to the 100' APS easement along 32nd Street, a setback reduction request is only required along Avenue 8E.

Exception Request and Analysis

The Planning & Zoning Commission may grant an exception to reduce the setback along Avenue 8E as a part of a CUP if the exception is supportable by the four findings of fact in §154-03.04(D)(1) of the Yuma City Code.

Exception #1 – Reduced Setback along Avenue 8E:

A. Are there special circumstances or conditions applying to the land, building, or use referred to in the application and which do not apply to other properties in the district?

The applicant states: *“Yes, there is a unique circumstance relating to this property. The shape and dimensions of the property make efficient placement of the building and drive through lane less practical and hamper the layout of the project. The drive-through lane extends into the 15 foot Setback over a relatively short distance of less than 200 feet.”*

Staff analysis: The subject property is located near the northwest corner of Avenue 8E and 32nd Street and upon finalization of the Lot Tie/Lot Split, the property will be approximately 2.7 acres in size. While the subject property meets the minimum site requirements for a convenience store, drive-through car wash, and gas station, the property is uniquely shaped, limiting the development possibilities on this site. In addition, this special circumstance does not apply to most other properties in the District.

B. Were such special circumstances created by the owner or the applicant?

The applicant states: *“No, this special circumstance was not created or caused by the property owner or applicant. The Major improvements to the roadways and intersection of 32nd Street and Avenue 8E, which required right-of-way realignment, were constructed by the City of Yuma in an effort to create a safer and more efficient roadway system.”*

Staff analysis: The special circumstance was not created by the applicant, but rather by the development of the adjacent roadway improvements and the right-of-way realignment.

C. Is the authorization of the Variance necessary for the preservation and enjoyment of substantial property rights?

The applicant states: “Yes, the granting of this exception/variance is necessary for the preservation of substantial property rights enjoyed by other property owners. Granting this exception/variance request will help overcome the problems associated with the physical property constraints on this particular site.”

Staff analysis: The granting of this Variance is necessary for the preservation of substantial property rights. Due to the location of the subject property and it’s close proximity to the curve along Avenue 8E, the unique shape of this lot limits the allowable buildable area.

D. Will the authorizing of the application be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general?

The applicant states: “No, the granting of the exception/variance will not be detrimental. The granting of this exception/variance request should have zero negative impact to persons, property, the neighborhood, or to the public health, safety and general welfare.”

Staff analysis: The granting of this Variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, to the neighborhood, or to the public welfare in general. The granting of this Variance will allow the applicant to efficiently place the drive-through lane and vacuum stalls on the subject property. Additionally, as mentioned by the applicant, the current layout of the buildings will provide adequate space to enter, drive through, and circulate throughout the site.

1. What are the impacts of the proposed conditional use on neighboring properties and what conditions are being proposed to resolve those impacts?

	SPECIFIC IMPACT AREA	ISSUE	CONDITION #
A.	Traffic	Vehicle headlight glare.	#3
B.	Parking	None	
C.	Lighting	None	
D.	Hours of Operation	None	
E.	Indoor/Outdoor Activities	None	
F.	Noise	None	
G.	Air Quality	None	
H.	Hazardous Materials	None	
I.	Crime Prevention (CPTED)	None	
J.	Other	None	

2. Does the site plan comply with the requirements of the zoning code?

Yes.

3. Does the proposed use and site plan comply with Transportation Element requirements?

FACILITY PLANS						
Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
32 nd Street – Principal Arterial	50' H/W ROW	50' H/W ROW				X
Avenue 8E – 2-Lane Collector	40' H/W ROW	Approximately 100' H/W ROW			X	X
Bicycle Facilities Master Plan	32 nd Street – Existing Bike Path					
YCAT Transit System	Gold Route 8					
Issues:	None					

4. Does the proposed conditional use conform to all prior City Council actions for this site?

Yes.

5. Can the P&Z Commission answer the following questions affirmatively?

(1) Is the Planning and Zoning Commission, or the City Council, authorized under the zoning code to grant the conditional use permit described in the application?

Yes. The Planning and Zoning Commission has the authority to review and approve this request per Section 154-08.04(E), which requires a Conditional Use Permit for a drive-through facility, convenience market, and motor fuel sales.

(2) Will the establishment, maintenance, and/or operation of the requested conditional use, under the circumstances of the particular case, not be detrimental to the health, safety; peace, morals, comfort, or general welfare of persons residing, or working, in the vicinity or such proposed use, or be detrimental, or injurious, to the value of property in the vicinity, or to the general welfare of the city?

Yes. According to the applicant, the establishment, maintenance and/or operation of the requested Conditional Use Permit are not detrimental. This development is located within a major commercial node of the City of Yuma, at the most prominent intersection, where roadways and the traffic signal have recently been improved to handle traffic effectively and efficiently.

(3) Are the provisions for ingress, egress, and traffic circulation, and adjacent public streets adequate to meet the needs of the requested conditional use?

Yes. The applicant states that this location will provide convenient access for this business. The site was designed to provide safe and convenient access to and from the public roadway system. Vehicles entering the site will have adequate space to enter, drive through and circulate through the site. The internal roadway system of the development will provide safe and convenient access to Avenue 8E and 32nd Street.

(4) Are the provisions for building(s) and parking facility setbacks adequate to provide a transition from, and protection to, existing and contemplated residential development?

Yes. The building and parking are in conformance with the City guidelines and have been designed to provide protection to adjoining uses and create site visibility at the intersections. As part of this application an exception is being requested to reduce the 32nd Street and

Avenue 8E setbacks from 15' to 0' for the drive-through lane. There should be no negative impact with regards to setbacks.

(5) Are the height and bulk of the proposed buildings, and structures, compatible with the general character of development in the vicinity of the requested conditional use?

Yes. The height and elevations of the proposed building are compatible with the general character of the surrounding commercial development, and with the proposed future development. In addition, the applicant states that the buildings will provide an aesthetic appearance to the site.

(6) Have provisions been made to attenuate noise levels and provide for adequate site, and security lighting?

Yes. The project will be designed to attenuate noise levels and provide site and security lighting. A new 3' high CMU screen wall will be constructed along the drive-through Lane.

(7) Has the site plan for the proposed conditional use, including, but not limited to landscaping, fencing, and screen walls and/or planting, CPTED strategies (Crime Prevention Through Environmental Design), and anti-graffiti strategies been adequately provided to achieve compatibility with adjoining areas?

Yes. The project will be designed to include appropriate landscaping and screen walls, especially with regards to shielding oncoming traffic from the headlights of vehicles within the drive-through lane.

Public Comments Received: None Received.

Agency Comments: See Attachment

Neighborhood Meeting Comments: No Meeting Required.

Discussions with Applicant/Agent: May 9, 2023

Proposed conditions delivered to applicant on: May 9, 2023

Final staff report delivered to applicant on: May 11, 2023

- | | |
|-------------------------------------|---|
| <input type="checkbox"/> | Applicant agreed with all of the conditions of approval on: |
| <input checked="" type="checkbox"/> | If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact. E-mailed Conditions of Approval and have not received a response. |

ATTACHMENTS:

A	B	C	D	E
Conditions of Approval	Site Plan	Proposed Lot Tie/Lot Split	Elevations	Convenience Store Floor Plan
F	G	H	I	J
Agency Notifications	Agency Comments	Neighbor Notification List	Neighbor Postcard	Aerial Photo

Prepared By:
Amelia Domby
Senior Planner

Amelia Domby

Date: May 10, 2023

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

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

Date: *5/10/23*

ATTACHMENT A
CONDITIONS OF APPROVAL

The following conditions of approval are roughly proportionate to the impacts associated with the conditional use and expected development on the property.

**Department of Planning and Neighborhood Services Comments: Jennifer Albers,
Assistant Director of Planning (928) 373-5180:**

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

Community Planning: Amelia Domby, Senior Planner, (928) 373-5000 x 3034

3. The Owner shall provide a minimum three foot (3') high solid masonry screen wall with poured concrete footings under a mortared permanent block wall; or screening to be accomplished with a continuous screen row of planted shrubs at full growth, planted close together; installed to effectively screen drive-thru customer's automobile headlights from traffic utilizing 32nd Street, in place prior to the date of business opening. The wall or planting to be installed exactly as shown on the approved construction plans and be completed prior to the Certificate of Occupancy.
4. Any substantial modification to the overall site design as represented on the site plan will require a public hearing and be subject to the approval of the Planning and Zoning Commission. A substantial modification to the site plan would include, but not necessarily be limited to, the relocation of vehicular access, the modification of storm water retention or the relocation of a building or structure.
5. The conditions listed above shall be completed within one (1) year of the effective date of the approval of the Conditional Use Permit or prior to the issuance of any Building Permit, Certificate of Occupancy or City of Yuma Business License for this property. In the event that the conditions are not completed within this time frame, the Conditional Use Permit shall be null and void.
6. In any case where a Conditional Use Permit has not been used within one year after the granting thereof, it shall be null and void.
7. Prior to the expiration date of the Conditional Use Permit, the applicant has the option to file for a one-year time extension.

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

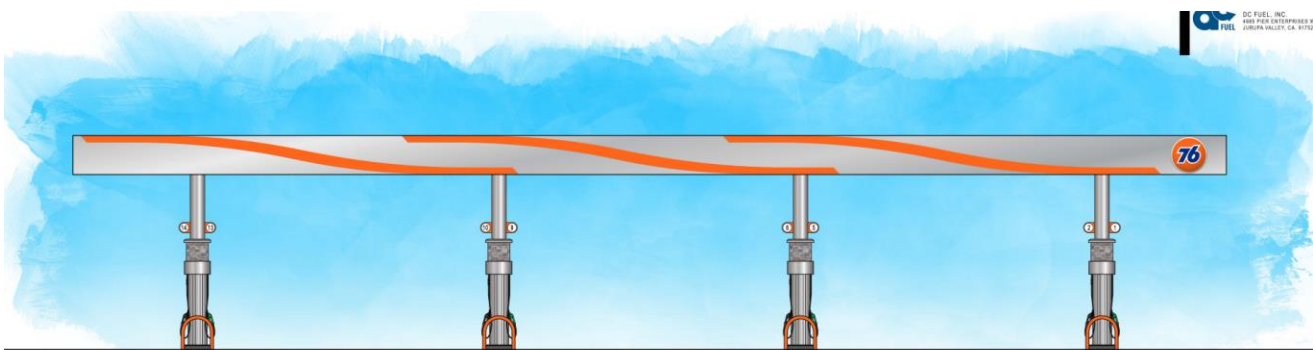
ATTACHMENT D ELEVATIONS



SOUTH ELEVATION



EAST ELEVATION



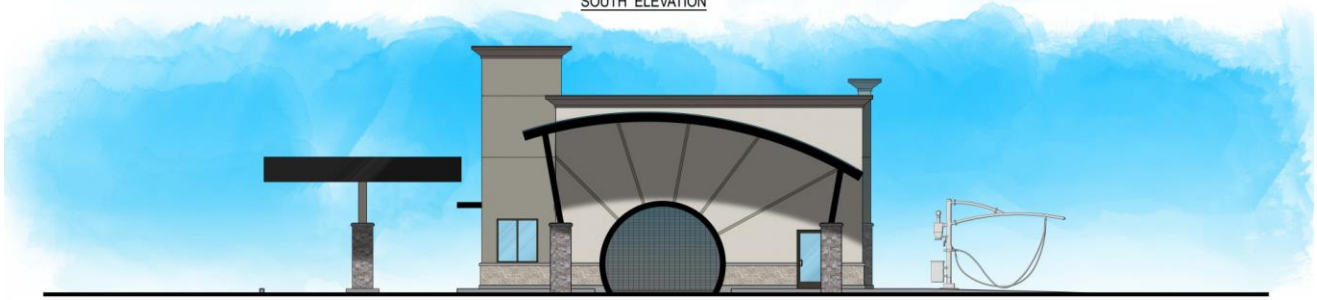
SOUTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION



EAST ELEVATION

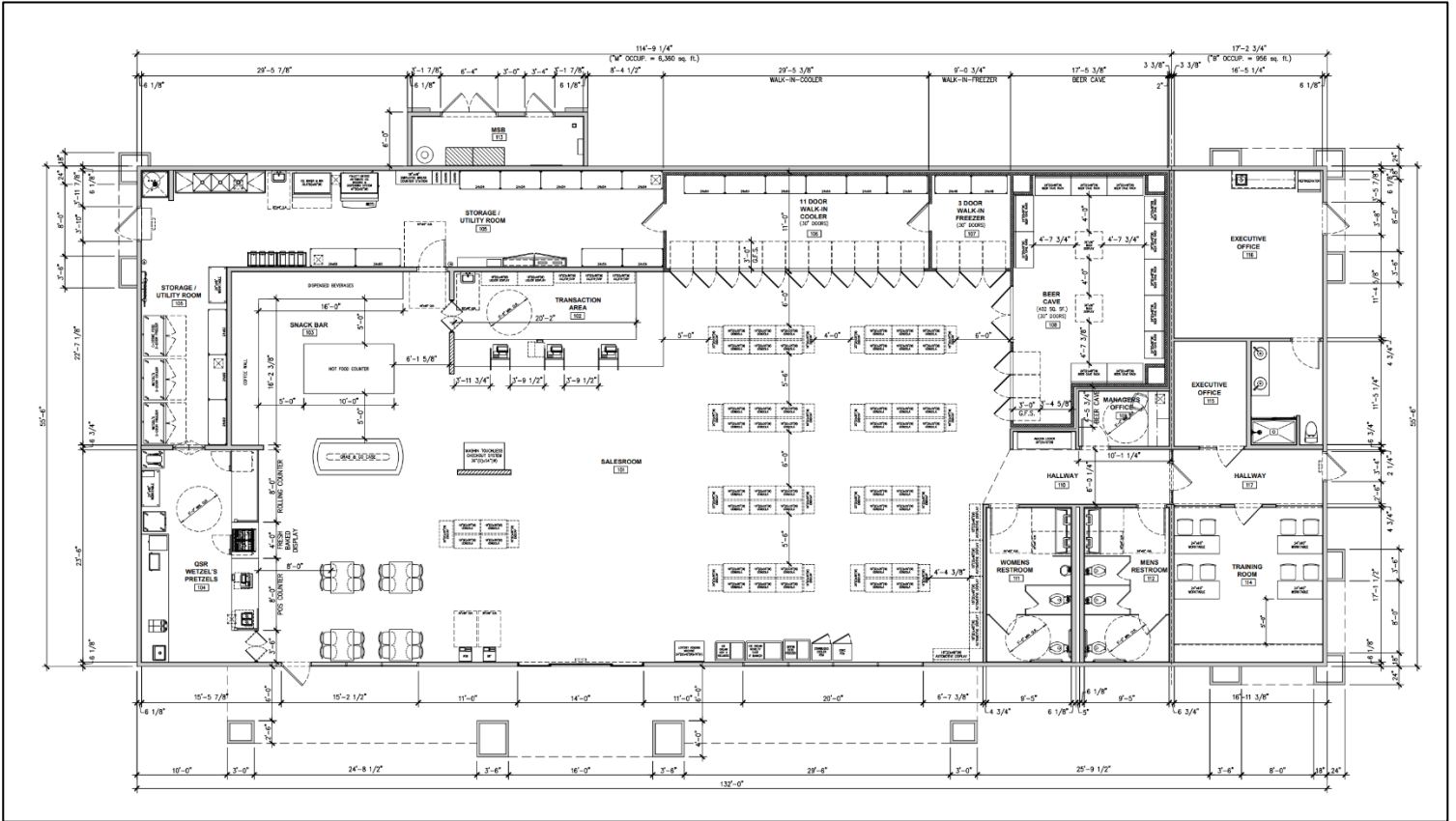


NORTH ELEVATION



WEST ELEVATION

ATTACHMENT E CONVENIENCE STORE FLOOR PLAN



**ATTACHMENT F
AGENCY NOTIFICATIONS**

- **Legal Ad Published: The Sun** (04/24/23)
- **300' Vicinity Mailing:** (04/03/23)
- **34 Commenting/Reviewing Agencies noticed:** (04/06/23)
- **Site Posted on:** (05/08/23)
- **Neighborhood Meeting:** (N/A)
- **Hearing Date:** (05/22/23)
- **Comments due:** (04/17/23)

External List (Comments)	Response Received	Date Received	"No Comment"	Written Comments	Comments Attached
Yuma County Airport Authority	YES	4/7/23	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	NR				
Yuma County Planning & Zoning	YES	4/14/23	X		
Yuma County Assessor	NR				
Arizona Public Service	NR				
Time Warner Cable	NR				
Southwest Gas	NR				
Qwest Communications	NR				
Bureau of Land Management	NR				
YUHS District #70	NR				
Yuma Elem. School District #1	NR				
Crane School District #13	NR				
A.D.O.T.	NR				
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
USDA – NRCS	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Co.	NR				
Western Area Power Administration	NR				
Quechan Indian Tribe	YES	4/11/23	X		
City of Yuma Internal List (Conditions)	Response Received	Date Received	"No Conditions"	Written Conditions	Comments Attached
Police	NR				
Parks & Recreation	NR				
Development Engineer	NR				
Fire	YES	4/11/23	X		
Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	4/14/23	X		
Utilities	NR				
Public Works	NR				
Streets	NR				

**ATTACHMENT G
AGENCY COMMENTS**

COMMENT NO COMMENT

Enter comments below:

There are potential impacts to WAPA and SRP facilities (Line GLA-SON) in the vicinity of this proposed development, therefore WAPA requests that the developer reach out to WAPA prior to proceeding with this proposed project.

DATE: 4/10/23 NAME: Leslee Beckett TITLE: Realty Technician
AGENCY: Western Area Power Administration (WAPA)
PHONE: 602-605-2846
RETURN TO: Amelia Domby
 Amelia.Domby@YumaAZ.gov

COMMENT NO COMMENT

Enter comments below:

It is requested that a wall be constructed along the north property line of the property to prevent access to the District's A Canal.

DATE: 4/9/23 NAME: Ron Turner TITLE: Manager
AGENCY: Yuma Mesa Irrigation and Drainage District
PHONE: 726-4353
RETURN TO: Amelia Domby
 Amelia.Domby@YumaAZ.gov

**ATTACHMENT H
NEIGHBOR NOTIFICATION LIST**

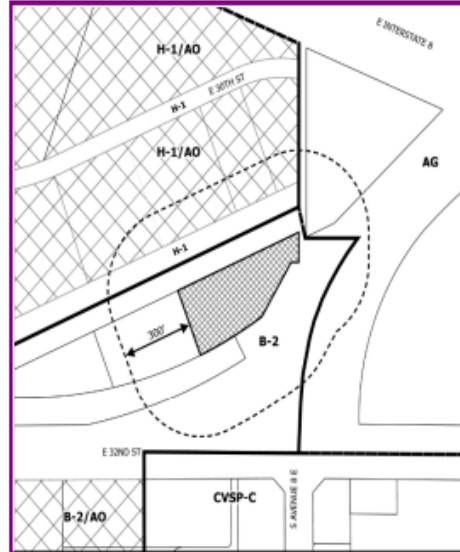
Property Owner	Mailing Address	City/State/Zip Code
TRULY NOLEN OF AMERICA INC AZ CORP	432 S WILLIAMS BLVD	TUCSON
INGOLD FAMILY INVESTMENTS CA LLC	5256 S MISSION RD STE 1210	BONSALL
STATE OF ARIZONA	1616 W ADAMS ST	PHOENIX
ECKARD TROY & CLAIRE	3967 E 41ST PL	YUMA
B & GS FAMILY LTD PTNR	900 S 8TH AVE	

**ATTACHMENT I
NEIGHBOR MAILING**

This is a request by Dahl, Robins & Associates Inc. on behalf of Troy and Claire Eckard, for a Conditional Use Permit to allow a gas station, convenience store, and drive-through car wash, in the General Commercial (B-2) District. This proposal includes an exception request to reduce the 32nd Street and Avenue 8E setback from 15' to 0' for the car wash drive-through lane and vacuum spaces. The property is located near the northwest corner of Avenue 8E and 32nd Street, Yuma, Arizona.

**MEETING DATE,
TIME & LOCATION
FOR CASE #
CUP-41234-2023**

PUBLIC HEARING
05/22/2023 @ 4:30PM
City Hall Council Chambers
One City Plaza, Yuma, AZ



Because you are a neighbor within 300' of the northwest corner of Avenue 8E and 32nd Street, you are invited to attend the public hearing to voice your comments. If you have questions or wish to submit written comments please contact, Amelia Griffin by phone at (928) 373-5000 ext. 3034 or by email at Amelia.Griffin@yumaaz.gov

**ATTACHMENT J
AERIAL PHOTO**

