

**Planning and Zoning Commission Meeting Minutes
May 22, 2023**

A regular meeting of the City of Yuma Planning and Zoning Commission was held on Monday, May 22, 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 Lorraine 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 and Neighborhood Services; Jennifer Albers, Assistant Director of Planning; Andrew McGarvie, Engineering Manager; Robert Blevins, Principal Planner; Amelia Dombly, Senior 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 – May 8, 2023

WITHDRAWALS BY APPLICANT – None

CONTINUANCES – None

APPROVALS – None

Motion by Lorraine Arney, second by Edgar Olvera to APPROVE the Consent Calendar with the correction to Commissioner Branden Freeman’s name. Motion carried unanimously, (5-0) with two absent.

Action Items–

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.*

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

QUESTIONS FOR STAFF

Chairman Chris Hamel asked if condition #7, which states that all deliveries, including fuel should occur between sunrise and sunset, had been discussed with the applicant to find a mutual agreement. **Assistant Director of Planning, Jennifer Albers** mentioned that this condition was previously approved by the Planning and Zoning Commission in a different Conditional Use Permit request for the same parcel, and it was kept as a condition because of the residences nearby. **Albers** also said that the Planning department would consider limiting the time of the deliveries from 5AM to 10PM or 10PM to 5AM.

Commissioner Branden Freeman asked if the applicant received clarification on conditions 3, 4, 5, and 6. **City of Yuma, Engineering Manager, Andrew McGarvie** said that he discussed the conditions with the applicant’s engineer, but it was his understanding that the applicant needed further clarification. Blevins noted that staff would be meeting with the applicant the next day to discuss further.

Commissioner John Mahon, asked if condition #7 was to reduce noise and if it only applied to fuel deliveries or all deliveries. **Hamel** clarified that condition #7 specified all deliveries.

Vice-Chairman Lorraine Arney asked how the Commission could approve the Conditional Use Permit request, if the applicant was in disagreement with condition #7. **Blevins** said that the request could be continued, resolved, or denied.

Freeman asked if a condition similar to condition #7 had been applied to other Conditional Use Permits for other gas stations in the past. **Blevins** replied that the condition was location specific and it was due to the amount of residences in the area.

APPLICANT/APPLICANT'S REPRESENTATIVE

Ahmad Ghaderi, A&S Engineering, noted that the City has great staff, who are phenomenal to work with. **Ghaderi** asked if he could pay his share of the cost, for the turn lane that is being required as a condition by the city, and suggested that the developer to the south of the property pay his share of the cost when they start on their project. **McGarvie** said no because the turn lane was most beneficial to this proposed project. **Ghaderi** then asked the commission to remove condition #7, as the deliveries are out of his control. **Hamel** said that he empathized with the applicant in regards to condition #7, but expressed his concerns for the residents in the area, as the deliveries can be disruptive.

Commissioner Olvera asked for an estimated time of completion for the construction of the proposed project. **Ghaderi** replied 9 months.

Commissioner Mahon said that he previously lived in that area, and did not see the deliveries being a problem because Avenue C was already a busy street. **Arney** agreed, adding that she also lives in a residential area adjacent to a gas store and the deliveries are never a problem. **Freeman** also agreed stating that he currently lived in the area and did not think the deliveries would be disruptive. **Freeman** suggested removing condition #7.

Mahon asked if the applicant could get a driveway between the property to the north and the property to the south. **McGarvie** mentioned that there was a shared easement on Avenue, shared by both properties.

PUBLIC COMMENT

None

Motion by Lorraine Arney, second by Olvera to APPROVE CUP-41154-2023 as presented.

Albers asked for clarification, informing the commission that this motion was approving the request with condition #7.

Motion Amended by Lorraine Arney, to APPROVE CUP-41154-2023 as presented, subject to any agreement regarding condition # 7 between the City of Yuma and the Applicant.

Assistant City Attorney, Emily Hart informed the commission that the City already provided their conditions to the Applicant and that the Commission can either modify, remove, approve, or deny the request. **Hart** also informed the Commission that they could continue the case to the next Planning and Zoning Hearing to allow for further discussion regarding condition #7. **Olvera** suggested approving the Conditional Use Permit request with the removal of condition #7.

Motion withdrawn by Lorraine Arney.

Motion by Lorraine Arney, second by Hamel to Continue CUP-41154-2023 to the next scheduled Planning and Zoning hearing to allow for the City of Yuma and the Applicant to come to an agreement regarding condition #7. Motion failed, with Freeman, Olvera, and Mahon voting Nay.

Freeman asked the applicant if they had any preference regarding condition #7. **Ghaderi** asked for no restrictions, as he has no control over deliveries.

Motion by Lorraine Arney, second by Mahon to APPROVE CUP-41154-2023 with the removal of Condition #7. Motion carried unanimously, (5-0) with two absent.

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*

Amelia Domby, Associate Planner summarized the staff report and recommended APPROVAL.

QUESTIONS FOR STAFF

Hamel asked if the lot was 4' feet lower than adjacent lot. **Domby**, that the applicant has stated that. **Mahon** asked if there was a screening requirement that the applicant would have to meet. **Domby** said that no zoning requirement existed. **Domby** also mentioned that when addressing the six criteria with the Conditional Use Permit application, the applicant noted they would add a 3' foot concrete masonry unit (CMU) along the drive through lane.

APPLICANT/APPLICANT'S REPRESENTATIVE

Troy Eckard, 2265 S. Rodriguez Way, Yuma, AZ, apologized for providing late information and was available for questions. **Hamel** asked for clarification on condition #3. **Eckard** stated that the drive through going into the carwash had a 4' foot elevation difference from the roadway and that the 3' foot CMU would still leave 1' foot below the screening.

Freeman asked for the operating hours of the proposed carwash. **Eckard** replied 7AM-8PM.

Freeman asked if the grading difference of the property was verified by the City of Yuma. **Eckard** replied that the site was verified by an engineer not employed by the City of Yuma.

PUBLIC COMMENT

None

Motion by Branden Freeman second by Lorraine Arney to APPROVE CUP-41234-2023 with the removal of condition #3. Motion carried unanimously, (5-0) with two absent.

INFORMATION ITEMS

Staff

Commission

None

Public

None

Chairman Hamel adjourned the meeting at 5:19 PM.

Minutes approved this 12 day of June, 2023



Chairman