

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

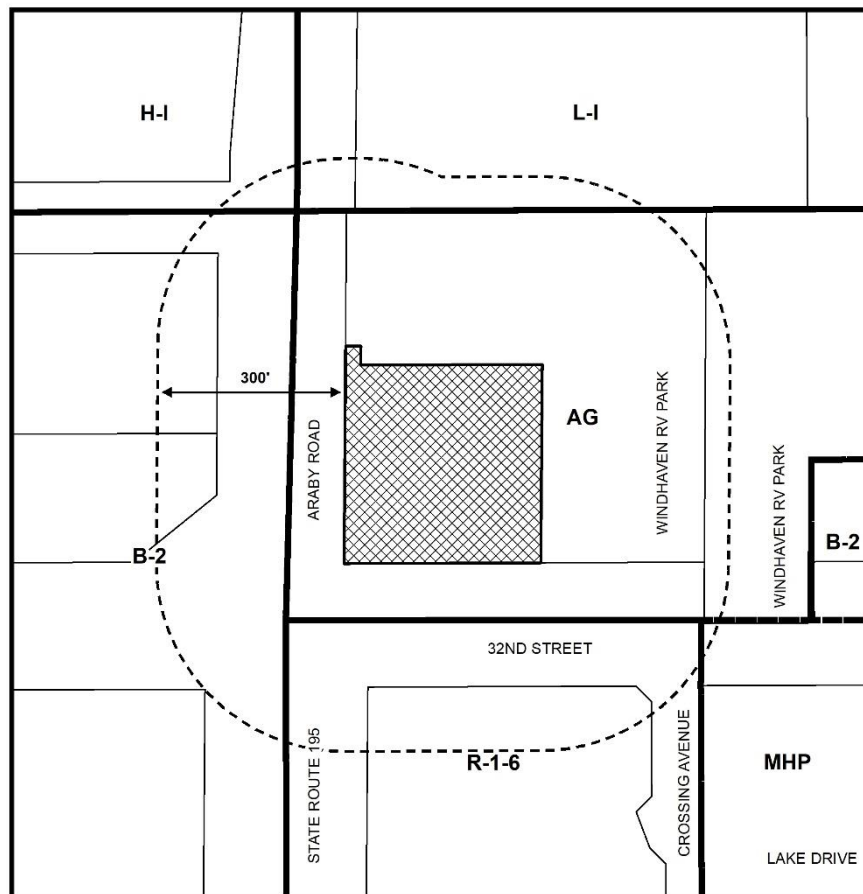
**Hearing Date:** February 24, 2020

**Case Number:** ZONE-28855-2019

**Project Description/Location:** This is a request by Land Development Consultants, LLC., on behalf of Circle K Stores, Inc., to rezone a 2.28 acre parcel from Agriculture (AG) to General Commercial (B-2), for the property located at 6544 E. 32<sup>nd</sup> Street.

	Existing Zoning	Use(s) on-site	General Plan Designation
<b>Site</b>	Agriculture (AG)	Circle K	Commercial
<b>North</b>	Agriculture (AG)	RV Park	Commercial
<b>South</b>	Low Density Residential (R-1-6)	Vacant	Low Density Residential
<b>East</b>	Agriculture (AG)	RV Park	Commercial
<b>West</b>	General Commercial (B-2)	Jack-in-the-Box	Commercial

**Location Map**



**Prior site actions:** Annexation: #O99-29 (07/03/1999).

**Staff Recommendation:** Staff recommends **APPROVAL** of the rezoning from the Agriculture (AG) District to General Commercial (B-2) District, subject to the conditions shown in Attachment A.

**Suggested Motion:** Move to **APPROVE** Rezone ZONE-28855-2019 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 rezone, the Planning and Zoning Commission is recommending approval to the City Council for the request to rezone a 2.28 acre parcel from Agriculture (AG) to General Commercial (B-2), for the property located at 6544 E. 32<sup>nd</sup> Street, subject to the conditions outlined in Attachment A, and affirmatively finds that the request is in conformance with the City of Yuma General Plan.

**Staff Analysis:** The property is the location of a Circle K convenience store and fuel station, in operation since 1987. The property was annexed in 1999. No further zoning action has occurred since then. Rezoning to B-2 for this property would not be limited to a new Circle K. B-2 allows many commercial uses including, as examples: offices, restaurants, retail stores, auto sales and repair, private schools, and day care.

Circle K is now in the process of remodeling their stores and this property is scheduled for a complete demolition and rebuild. There will be a new and larger store in a slightly different location with new fuel stations.

The new convenience store and fuel stations need a Conditional Use Permit, required in the B-2 District. Concerns might be about access, circulation, and vehicle stacking lanes. Prior to applying for a Conditional Use Permit, a property must have the correct zoning for the use, therefor the need for a rezoning.

ADOT is considering the need for a Traffic Impact Analysis (TIA) and new Encroachment Permit, due to the increase in size of the proposed new building. Since a Conditional Use Permit is needed, conditioned upon approval of a site plan, ADOT agrees these requirements will be reviewed and met at that stage of development planning. Discussion with the property owner is already in progress on these issues.

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

Yes The General Plan Land Use Element for the area is Commercial.

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

No

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

Yes This rezoning request is not in conflict with other Elements of the General Plan.

**4. Does the proposed rezoning conform to the adopted facilities plan?**

Yes

**5. Does the proposed rezoning conform to Council's prior approval of rezonings, development agreements or subdivisions for this site?**

N/A No prior Council actions have occurred since annexation.

**Public Comments Received:** None

**External Agency Comments:** See Attachment B.

**Neighborhood Meeting Comments:** No Meeting Required.


**Proposed conditions delivered to applicant on:** January 9, 2020

**Final staff report delivered to applicant on:** January 30, 2020

<input checked="checked" type="checkbox"/>	Applicant agreed with all of the conditions of approval on: January 9, 2020
<input type="checkbox"/>	Applicant did not agree with the following conditions of approval: (list #'s)
<input type="checkbox"/>	If the Planner is unable to make contact with the applicant – describe the situation and attempts to contact.

**Attachments**

A	B	C	D
Conditions of Approval	External Agency Comments	Aerial Photo	Staff Research

**Prepared By:**   
Robert M. Blevins  
Principal Planner

**Date:**

1/14/20

Robert.Blevins@yumaaz.gov (928)373-5189

**Approved By:**   
Alyssa Linville  
Assistant Director Community Development

**Date:**

01/14/20

**ATTACHMENT A**  
**CONDITIONS OF APPROVAL**

The following conditions have been found to have a reasonable nexus and are roughly proportionate to the impact of the proposed rezone for the site:

**Department Of Community Development Comments: Laurie Lineberry, Community Development Director (928) 373-5175:**

1. The conditions listed below are in addition to City codes, rules, fees and regulations that are applicable to this action.
2. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized "Waiver of Claims under the Private Property Rights Protection Act." The Waiver shall be submitted prior to the issuance of any building permit, Certificate of Occupancy, or City of Yuma Business License for this property.
3. The Owner shall submit to the City of Yuma, for recordation, a signed and notarized Avigation Easement on the property acknowledging potential noise and overflight of aircraft from both daily and special operations of the Marine Corps Air Station and the Yuma International Airport.

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

4. Each of the conditions listed above shall be completed within one (1) year of the effective date of the rezoning ordinance or prior to the issuance of a Building Permit, Certificate of Occupancy or City of Yuma Business License for this site, whichever occurs first. If the conditions of approval are not completed within the above timeframe then the rezone shall be subject to ARS § 9-462.01.

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

**ATTACHMENT B**  
**EXTERNAL AGENCY COMMENTS**

☒ COMMENT      ☐ NO COMMENT

*Enter comments below:*

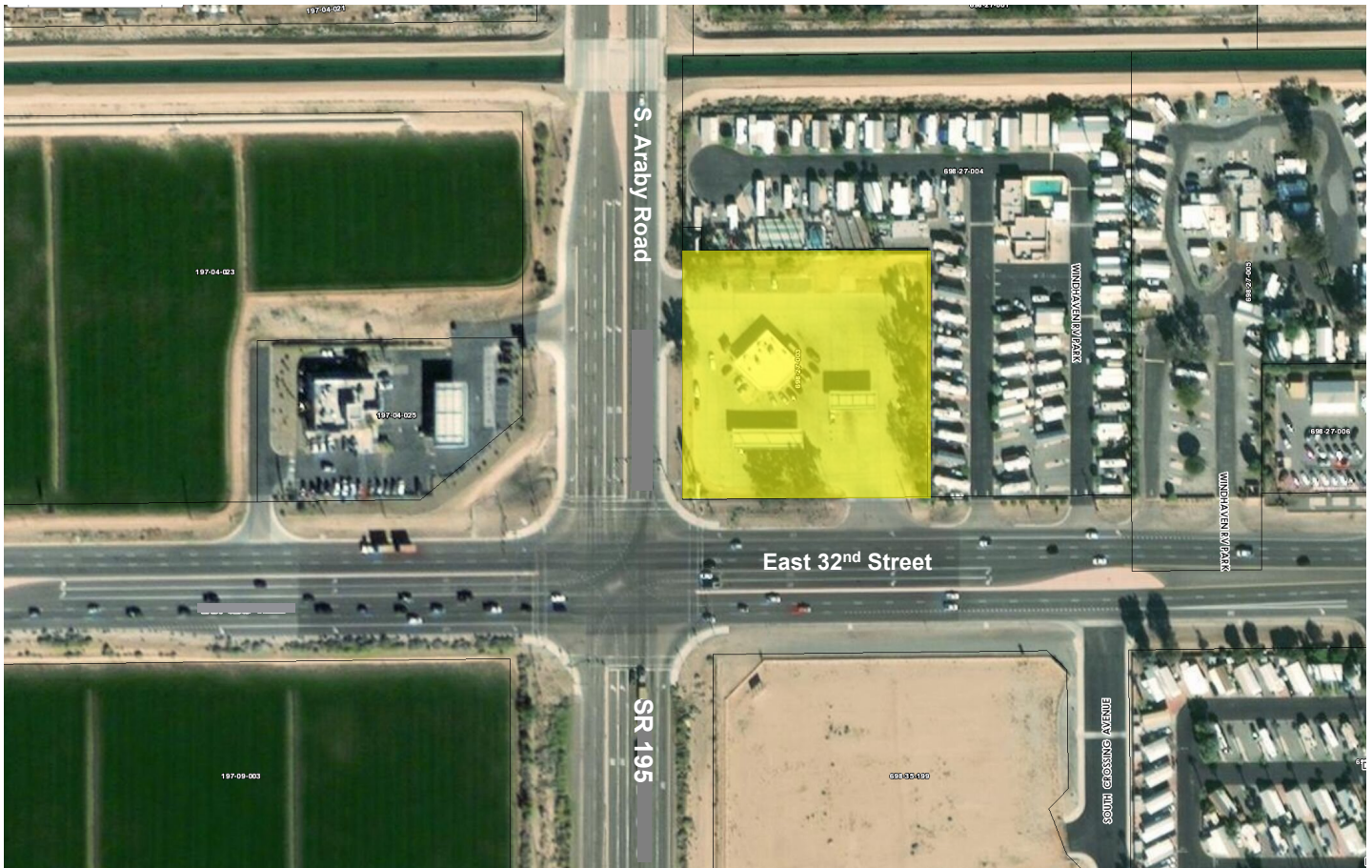
The property is located along State Route 195 (Araby Road) with an existing access to the state highway. Circle K has an existing facility and we assume this zoning action precedes construction of a new facility on the same site. Please have Circle K contact ADOT to discuss the need for a Traffic Impact Analysis (TIA) and/or new encroachment permit. State law requires a change in use to obtain an encroachment permit and a larger facility constitutes a change in use for encroachment purposes.

DATE: 12-30-19      NAME: Isabell Garcia      TITLE: Development Coordinator  
AGENCY: ADOT Southwest District  
PHONE: (928) 317-2159

The Assessor's Office has no concerns about the proposed re-zoning but we do have a comment. The re-zoning of this property will not affect the taxation of it. Assessors use the current use of the property to determine its value. Since this property has been used commercially for many years it has been assessed as such since 1987 when the store was built.

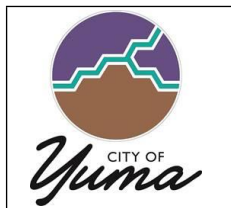
Joe Wehrle  
Yuma County Assessor  
192 South Maiden Lane  
Yuma, AZ 85364  
[joe.wehrle@yumacountyaz.gov](mailto:joe.wehrle@yumacountyaz.gov)  
(928) 373-6073

**ATTACHMENT C**  
**AERIAL PHOTO**



**ATTACHMENT D**  
**STAFF RESEARCH**





## STAFF RESEARCH – REZONE

**CASE #: ZONE-28855-2019**  
**CASE PLANNER: BOB BLEVINS**

### I. PROJECT DATA

Project Location:	Northeast corner of E. 32 <sup>nd</sup> Street and S. Araby Road														
Parcel Number(s):	698-27-003														
Parcel Size(s):	99,512 sq. ft.														
Total Acreage:	2.28														
Proposed Dwelling Units:	None														
Address:	6544 E. 32 <sup>nd</sup> Street														
Applicant:	Circle K Stores, Inc.														
Applicant's Agent:	Land Development Consultants, LLC.														
Land Use Conformity Matrix:	Conforms: Yes X No														
Zoning Overlay:	Public	AO	Auto	B&B	Historic	Infill	None	X							
	Airport	Noise Contours	65-70	70-75	75+	APZ1	APZ2	Clear Zone							
	<b>Existing Zoning</b>				<b>Use(s) on-site</b>		<b>General Plan Designation</b>								
<b>Site</b>	Agriculture (AG)				Circle K		Commercial								
<b>North</b>	Agriculture (AG)				RV Park		Commercial								
<b>South</b>	Low Density Residential (R-1-6)				Vacant		Low Density Residential								
<b>East</b>	Agriculture (AG)				RV Park		Commercial								
<b>West</b>	General Commercial (B-2)				Jack-in-the-Box		Commercial								
Prior Cases or Related Actions:															
Type	Conforms				Cases, Actions or Agreements										
Pre-Annexation Agreement	Yes		No		N/A										
Annexation	Yes	X	No		#O99-29 (07/03/1999)										
General Plan Amendment	Yes		No		N/A										
Development Agreement	Yes		No		N/A										
Rezone	Yes		No		N/A										
Subdivision	Yes		No		N/A										
Conditional Use Permit	Yes		No		N/A										
Pre-Development Meeting	Yes	X	No		PDM-27716-2019 (09/19/2019 @ 2 p.m.)										
Design Review Commission	Yes		No		N/A										
Enforcement Actions	Yes		No		N/A										
Avigation Easement Recorded	Yes		No	X	Fee #	If no, add to Conditions of Approval									
Land Division Status:	Parcel is a legal lot of record.														
Irrigation District:	Yuma Mesa Irrigation and Drainage District														
Adjacent Irrigation Canals & Drains:	None														
Water Conversion: (5.83 ac ft/acre)	N/A														
Water Conversion Agreement Required	Yes		No	X											

### II. CITY OF YUMA GENERAL PLAN

<b>Land Use Element:</b>	
Land Use Designation:	Commercial
Issues:	None



Historic District:	Brinley Avenue		Century Heights		Main Street		None	X	
Historic Buildings on Site:	Yes		No	X					

**Transportation Element:**

**FACILITY PLANS**

Transportation Master Plan	Planned	Existing	Gateway	Scenic	Hazard	Truck
32 <sup>nd</sup> Street – Principal Arterial	62 FT H/W ROW	97 FT H/W ROW				X
SR-195 – Principal Arterial	62 FT H/W ROW	129 FT H/W ROW			X	X

Bicycle Facilities Master Plan	Proposed Bike Path 32 <sup>nd</sup> Street
YCAT Transit System	Silver Route 9 & Orange Route 2
Issues:	None

**Parks, Recreation and Open Space Element:**

Parks and Recreation Facility Plan	
Neighborhood Park:	Existing: Terraces Park Future: Terraces Park
Community Park:	Existing: None Future: Proposed South Mesa Community Park
Linear Park:	Existing: None Future: Proposed “B” Canal Linear Park
Issues:	None

**Housing Element:**

Special Need Household:	N/A
Issues:	None

**Redevelopment Element:**

Planned Redevelopment Area:	None
Adopted Redevelopment Plan:	North End: Carver Park: None: X
Conforms:	Yes No N/A

**Conservation, Energy & Environmental Element:**

Impact on Air or Water Resources	Yes	No	X
Renewable Energy Source	Yes	No	X
Issues:	None		

**Public Services Element:**

<b>Population Impacts</b> Population projection per 2013-2017 American Community Survey Police Impact Standard: 1 officer for every 530 citizens; Water Consumption: 300 gallons per day per person; Wastewater generation: 100 gallons per day per person	<b>Dwellings &amp; Type</b>		<b>Projected</b>	<b>Police</b>	<b>Water</b>		<b>Wastewater</b>
	<i>Non-residential</i>		<b>Population</b>	<b>Impact</b>	<b>Consumption</b>		<b>Generation</b>
	<b>Maximum</b>	<b>Per Unit</b>		<b>Officers</b>	<b>GPD</b>	<b>AF</b>	<b>GPD</b>
	0	0	0	0.00	0	0.0	0
	<b>Minimum</b>						
	0	0	0	0.00	0	0.0	0

Fire Facilities Plan:	Existing: Fire Station #5	Future: Fire Station #5
Water Facility Plan:	Source: City X Private	Connection: 16" PVC on SR-195 (Araby Rd.)
Sewer Facility Plan:	Treatment: City Septic X Private	Connection:
Issues:	No viable sewer access within ½ mile.	

**Safety Element:**

Flood Plain Designation:	Flood Zone X	Liquefaction Hazard Area:	Yes	No	X
Issues:	None				

**Growth Area Element:**

Growth Area:	Araby Rd & Interstate 8	X	Arizona Ave & 16 <sup>th</sup> St		Avenue B & 32 <sup>nd</sup> St.	
	North End		Pacific Ave & 8 <sup>th</sup> St		Estancia	None
Issues:	None					

## NOTIFICATION

- Legal Ad Published: The Sun 01/17/20
- 300' Vicinity Mailing: 12/23/19
- 34 Commenting/Reviewing Agencies noticed: 12/26/19

- Hearing Date: 02/24/20
- Comments Due: 01/06/20

<b>External List (Comments)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Comment"</b>	<b>Written Comments</b>	<b>Comments Attached</b>
Yuma County Airport Authority	YES	01/02/20	X		
Yuma County Engineering	NR				
Yuma County Public Works	NR				
Yuma County Water Users' Assoc.	YES	12/26/19	X		
Yuma County Planning & Zoning	NR				
Yuma County Assessor	YES	12/26/19		X	
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.	YES	12/30/19		X	
Yuma Irrigation District	NR				
Arizona Game and Fish	NR				
United States Postal Service	NR				
Yuma Metropolitan Planning Org.	NR				
El Paso Natural Gas Company	NR				
Western Area Power Admin.	YES	12/31/19	X		
<b>City of Yuma Internal List (Conditions)</b>	<b>Response Received</b>	<b>Date Received</b>	<b>"No Conditions"</b>	<b>Written Conditions</b>	<b>Comments Attached</b>
Rod Hamilton, Police	NR				
Ron Ramirez, Parks	NR				
Damon Chango, Parks	NR				
Andrew McGarvie, Engineering	NR				
Kayla Franklin, Fire	YES	12/31/19	X		
Randy Crist, Building Safety	NR				
City Engineer	NR				
Traffic Engineer	NR				
MCAS / C P & L Office	YES	01/06/20	X		
Jeremy McCall, Utilities	NR				
Joel Olea, Public Works	NR				
Joel Olea, Streets	NR				

<b>Neighborhood Meeting</b>	<b>Comments Available</b>
None Required	N/A
<b>Prop. 207 Waiver</b>	
Mailed to applicant on 01/08/20	

**PUBLIC COMMENTS RECEIVED:** NONE