

Cochise County Planning Commission



Cochise County Complex
Board of Supervisors' Hearing Room
1415 W. Melody Lane, Building G
Bisbee, Arizona 85603

Regular Meeting
March 11, 2015
4:00 p.m.

AGENDA

Please Be Courteous - Turn off cell phones and pagers while the meeting is in session.

1. 4:00 P.M. – CALL TO ORDER.

2. ROLL CALL (Introduce Commission members and explain quorum and requirements for taking legal action).

3. APPROVAL OF PREVIOUS MONTH'S MINUTES

4. CALL TO THE PUBLIC - Pursuant to A.R.S. § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on any issue within the Commission's jurisdiction. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

5. NEW BUSINESS

Item 1—(page 1)—PUBLIC HEARING Docket SU-14-19 (AP Towers). This is a request for a Special Use Authorization to approve the addition of a commercial wireless communications facility and tower in a General Business zoning district located at 4120 E. Ramsey Road, in Hereford, AZ.

Item 2—(page 28)—PUBLIC HEARING Docket SU-15-02 (Brya). This is a request for a Special Use authorization to approve a medical marijuana cultivating, dispensary, and infusion facility in a RU-4 rural zoning district on Leyete

Planning Commission

The Planning Commission meets the second Wednesday of the month at 4:00 p.m. in the Board of Supervisors' Hearing Room. All meetings are open to the public. Those who wish to speak are asked to complete a "Speaker Information" form (available at the meeting) and submit it to County staff before the Call to Order.

The order and/or deletion of any item on the agenda is subject to modification at the meeting. Actions of the Planning Commission may be appealed to the Board of Supervisors by any interested party by submitting an application for appeal within 15 days. An application for appeal is available this afternoon with the Clerk, at the Community Development Department's office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link.

Packets and staff reports are available for review at the Community Development Department. Questions or concerns may be directed to the Planning Department at 520.432.9300. Agendas and minutes are posted on Cochise County's home page in the "Public Meeting Info" link.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility, or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

**COMMUNITY DEVELOPMENT
PLANNING DIVISION
HOURS OF OPERATION
Monday through Friday
7:30 a.m. to 5:00 p.m.
Phone: 520.432.9300
Fax: 520.432.9278**

Drive outside of Elfrida, AZ.

Item 3—(page 46)—PUBLIC HEARING Docket SU-15-03 (CFAC). This is a request for a Special Use authorization to approve an existing facility as a Victim Advocacy Center, a Use considered Welfare and Charitable Services on an MH-72, (Multiple Household Residential) zoned property, located at 214 E. Tacoma Street in Sierra Vista, AZ.

Item 4—(page 65)—PUBLIC HEARING Docket Z-15-01 (Southwest General Development). This is a request for a rezoning from R-36 (Residential, one dwelling per 36,000-square feet) to GB (General Business). The subject parcel is approximately 0.65-acres in size and will facilitate the construction of a Retail Establishment. The parcel is located on E. Cactus Lane off of Highway 92 in Hereford, AZ.

Item 5—(page 78)—PUBLIC HEARING Docket Z-15-02 (Blake). This is a request for a rezoning from SR-43 (Single-Household Residential, one dwelling per 43,560-square feet) to SR-174 (Single-Household Residential, one dwelling per 4-acres). The subject parcels are located along S. Cochise Stronghold Road in Pearce, AZ.

Item 6—(page 95)—PUBLIC HEARING Docket S-05-05 (La Marquesa Subdivision). This request is for approval of an additional one-year time extension for the La Marquesa Subdivision Tentative Plat that was originally approved by the Board of Supervisors on February, 5, 2007. The current Tentative Plat extension expired on February 5, 2015. The developer is Mr. Patrick Kirk and the Project Engineer is Mr. Blaine Reely of Monsoon Consultants in Tucson.

6. PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS:

1. The Board of Supervisors will act on the Readoption of the Cochise County Comprehensive Plan on March 10th.
2. April's dockets: A Special Use Authorization request for a medical marijuana facility near Elfrida, a rezoning request, and communications tower request.

7. CALL TO COMMISSIONERS ON RECENT MATTERS

8. ADJOURNMENT

**COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES
February 11, 2015
REGULAR MEETING at 4:00 p.m.**

The regular meeting of the Cochise County Planning and Zoning Commission was called to order at 4:00 p.m. by Chair Greene at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Mr. Greene admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated that there were three Special Use Dockets, on the agenda. Mr. Greene explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Mr. Greene noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; seven Commissioners (Jim Martzke, Wayne Gregan, Patrick Greene, Liza Weissler, Pat Edie, Nathan Watkins, and Tim Cervantes) indicated their presence. Staff members present included; Peter Gardner, Planner I; Jesse Drake, Planner II; and Britt Hanson, Chief Civil Deputy County Attorney.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the January 14, 2015 meeting. **Action:** Approve

Moved by: Mr. Martzke **Seconded by:** Ms. Weissler

Vote: Motion passed (**Summary:** Yes = 5, No = 0, Abstain = 2)

Yes: Jim Martzke, Wayne Gregan, Patrick Greene, Liza Weissler, and Pat Edie

No: 0

Abstain: Mr. Watkins and Mr. Cervantes

CALL TO THE PUBLIC:

Mr. Jack Cook of Bisbee spoke of various matters.

NEW BUSINESS

Item 1 PUBLIC HEARING Docket SU-14-15 (HPAZ NEVADA) This is a request for a Special Use authorization to approve commercial radio antennas used for internet service that have been installed on an existing residential 40-foot high tower in a RU-4 rural residential zoning district on E. Nevada Drive in Hereford.

Chair Greene called for the Planning Director's report. Planner II Jesse Drake presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Ms. Drake also explained Staff's analysis of the request. She closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Greene then opened the Public Hearing. The Applicant, Mr. Benjamin Tyler of Sierra Vista, spoke, explaining the background and rationale behind the request noting that his father, the previous applicant had passed away.

There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Ms. Weissler stated that she had worked for Mr. Tyler's father and expressed her condolences. She then expressed concern about converting residential towers to commercial towers, and asked if there were more such towers. Ms. Drake noted that until Staff received an application or complaint regarding a tower no action could be taken. Ms. Weissler asked why the application came in and if a complaint was received. Ms. Drake explained that Staff had not received any public complaints. Ms. Weissler stated that she had trouble believing that the Applicant's were unaware of permitting requirements. Mr. Gregan asked if the Commission granted the Special Use, would the tower become a commercial tower. Ms. Drake stated that there would be a commercial use on the existing tower, noting that the distinction was slight but important. Mr. Gregan expressed concern that granting the Special Use would open the door to more antennas in the future. Ms. Drake noted that the County did encourage co-location of antennas on existing towers. Mr. Gregan asked the Applicant if he understood the ramifications of not applying for the permit. Mr. Tyler stated that he did, and acknowledged that they were asking for forgiveness rather than permission. Mr. Gregan expressed further concern that approval would lead to additional antennas on this tower. Mr. Cervantes noted prior experience with the Applicant and the technology in question. He noted that the antennas were small, and on the unlicensed spectrum, and are very safe. He stated that this sort of system was very commonly used to share internet service in the area. Mr. Cervantes agreed with Ms. Weissler's remarks, but noted that the Applicant had approached Staff to legitimize their equipment. Ms. Weissler did agree that previous internet access in the Hereford area was poor, but again noted displeasure at after the fact applications. She asked what would stop a homeowner from using the residential height exemption to install a major tower, at the request of a commercial provider, who would then mount their equipment on it, circumventing the regulations. Mr. Cervantes seconded the concern. Mr. Gardner explained that ham radio towers are permitted by Staff as a residential structure, and are exempt from height restrictions, but is the scenario brought up was not dissimilar from the current docket, and noted that the Commission may be more hesitant to approve such a docket based on the appearance of an attempt to circumvent the regulations. Mr. Watkins asked who maintained the towers. Mr. Tyler responded that he did. Ms. Weissler stated that homeowners maintained the towers, and Mr. Tyler reiterated that he provided maintenance to the tower in addition to his own equipment. There being no further discussion, Mr. Greene asked for Staff's recommendation. Ms. Drake recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Greene called for a motion. Mr. Gregan made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Mr. Martzke seconded the motion and Mr. Greene stated he would reserve comment until the final docket, called for a vote. The motion passed 5-2.

Motion: Motioned to Approve the Docket with Conditions and Modifications recommended by Staff. **Action:** Conditional Approval with Modifications.

Moved by: Mr. Gregan **Seconded by:** Mr. Martzke

Vote: Motion passed (**Summary:** Yes = 5, No =2, Abstain = 0)

Yes: Jim Martzke, Wayne Gregan, Patrick Greene, Nathan Watkins, and Tim Cervantes
No: Liza Weissler and Pat Edie
Abstain: 0

Item 2 PUBLIC HEARING Docket SU-14-16 (HPAZ Burro) This is a request for a Special Use authorization to approve commercial radio antennas used for internet service that have been installed on an existing residential 80-foot high tower in a RU-4 rural residential zoning district on S. Burro Drive in Hereford.

Chair Greene called for the Planning Director's report. Planner II Jesse Drake presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Ms. Drake also explained Staff's analysis of the request. She closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Greene then opened the Public Hearing. The Applicant, Mr. Benjamin Tyler of Sierra Vista, declined to speak to this particular docket.

Ms. Mary Ann Wagner, of Hereford, spoke in opposition to the request. Ms. Wagner stated that she saw the equipment being installed in 2011, but had not received any information about the installation. She expressed confusion regarding the zoning and use, and concern about future expansion. She also expressed concern regarding radiation from the towers. Ms. Wagner expressed concern that the request would harm her property values due to commercial zoning.

There being no further speakers in support or opposition, Mr. Greene invited the Applicant to rebut. Mr. Tyler addressed the radiation concern, explaining the low output and the type of radiation generated, noting it was less dangerous than a residential microwave.

Mr. Greene then closed the Public Hearing and invited discussion. Mr. Cervantes asked about the age of the tower. Mr. Greene noted that Staff reported that the tower was permitted in 1984. Mr. Gregan asked Ms. Wagner if she understood that the tower would remain even if the request was denied. Ms. Wagner stated that she did. Mr. Cervantes noted that the Commission could impose a condition prohibiting additional collocation on this tower, and asked about camouflage for the antennas. Mr. Tyler noted it was possible, but explained the tower would not be hidden. The Commission had a lengthy discussion regarding changing technology. There being no further discussion, Mr. Greene asked for Staff's recommendation. Ms. Drake recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Greene called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Mr. Watkins seconded the motion and Mr. Greene called for a vote. The motion passed 5-2.

Motion: Motioned to Approve the Docket with Conditions and Modifications recommended by Staff. **Action:** Conditional Approval with Modifications.

Moved by: Mr. Martzke **Seconded by:** Mr. Watkins

Vote: Motion passed (**Summary:** Yes = 5, No = 2, Abstain = 0)

Yes: Jim Martzke, Wayne Gregan, Patrick Greene, Nathan Watkins, and Tim Cervantes

No: Liza Weissler and Pat Edie

Abstain: 0

Item 3 PUBLIC HEARING Docket SU-14-17 (HPAZ Stone Ridge) This is a request for a Special Use authorization to approve commercial radio antennas used for internet service that have been installed on an existing residential 100-foot high tower in a RU-4 rural residential zoning district on S. Stone Ridge Drive in Hereford.

Chair Greene called for the Planning Director's report. Planner II Jesse Drake presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Ms. Drake also explained Staff's analysis of the request. She closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Greene then opened the Public Hearing. The Applicant, Mr. Benjamin Tyler of Sierra Vista, spoke, explaining the background and rationale behind the request. There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. There being no further discussion, Mr. Greene asked for Staff's recommendation. Ms. Drake recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Greene called for a motion. Mr. Gregan made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Mr. Martzke seconded the motion and Mr. Greene admonished the Applicant for installing the equipment without a permit, and warned that any other existing towers should be brought to Staff immediately, or the Commission may not look upon them as kindly. Mr. Greene then called for a vote. The motion passed 5-2.

Motion: Motioned to Approve the Docket with Conditions and Modifications recommended by Staff. **Action:** Conditional Approval with Modifications.

Moved by: Mr. Gregan **Seconded by:** Mr. Martzke

Vote: Motion passed (**Summary:** Yes = 5, No = 2, Abstain = 0)

Yes: Jim Martzke, Wayne Gregan, Patrick Greene, Nathan Watkins, and Tim Cervantes

No: Liza Weissler and Pat Edie

Abstain: 0

PLANNING DIRECTOR'S REPORT:

Planner II Jesse Drake stated that there would be two rezonings, three special uses, and a tentative plat extension on the next agenda.

CALL TO COMMISSIONERS ON RECENT MATTERS: There was no discussion.

ADJOURNMENT – Mr. Greene moved to adjourn, Mr. Martzke seconded, and the meeting was adjourned at 5:06 pm.



Cochise County
Community Development
 Planning, Zoning and Building Safety Division
Public Programs...Personal Service
 www.cochise.az.gov

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Jesse Drake, Planner II
FOR: Beverly J. Wilson, Planning Director *(bwr)*
SUBJECT: Docket SU-14-19 (AP Towers)
DATE: March 2, 2015 for the March 11, 2015 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization to approve the addition of a commercial wireless communications facility including an 85-foot monopole tower and base equipment at the Via Elegante Assisted Living facility, a commercially zoned property. The proposed use is considered a Special Use in the General Business Zoning Districts under Section 1205.12 of the Zoning Regulations. The subject parcel (104-04-008P) is located at 4120 E. Ramsey Road in Hereford, AZ. The Applicant is Clear Blue Services.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 5.99 Acres
 Zoning: GB (General Business)
 Growth Area: Category B-Enterprise
 Comprehensive Plan Designation: B- Enterprise
 Area Plan: None
 Existing Uses: Via Elegante Assisted Living facility
 Proposed Uses: Wireless communications facility with 85-foot tower

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	Driveway & GB	Vacant
South	GB	Vacant
East	R-36	Sierra Summit Private School
West	GB	Vacant

II. PARCEL HISTORY

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

- 1986 – Permit for convalescent hospital/nursing home.
- 1989 – Permit for concrete paving.
- 1992 – Commercial building improvements.
- 1995 – Permit fencing improvements.
- 1999 – Permit for paving.
- 2000 – Permit for office building.
- 2001 – Permit for mobile home and septic.

III. NATURE OF REQUEST

The Applicant is requesting a Special Use authorization to approve an unmanned wireless communications facility consisting of an 85-foot monopole tower and base equipment at the Via Elegante Assisted Living Facility south of Ramsey Road approximately one quarter mile east of Highway 92 in Hereford. This facility will expand the wireless coverage area for T-Mobile and is designed to accommodate up to three future wireless providers.

The tower and base equipment will be surrounded by an eight-foot tall security/screen wall constructed of painted stucco over concrete masonry block with accent details of split face concrete masonry at the base, corners, and mid-wall. Service technicians will enter through an opaque gate adjacent to the existing parking area.

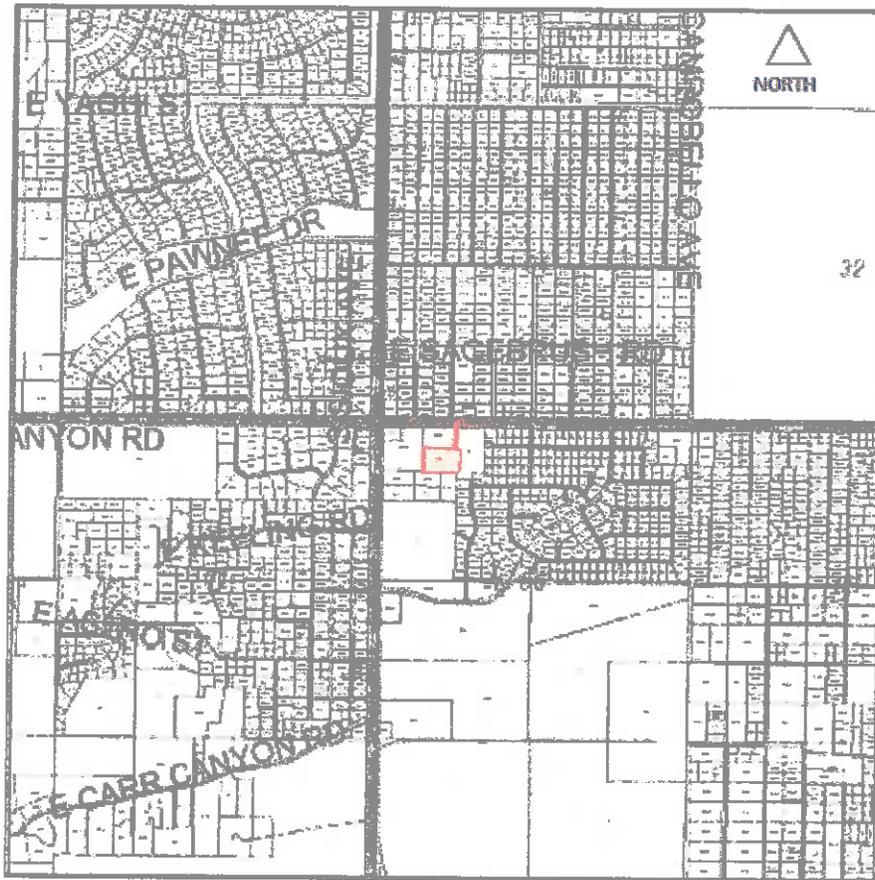
Three 24-inch boxed Mondel pine trees (*Pinus eldarica*, also known as the Afghan, or Goldwater pine) will be planted around the exterior of the wall to soften the visual impact of the wall. This tree is drought adapted, tolerates heat, wind and dry conditions and will be more than thirty-feet tall at maturity.

There will be minimal traffic to and from the facility; service and maintenance personnel visit the site once or twice a month, normally at night when cell phone traffic is the lightest.

Six antennas will be attached radially to the tower 80-feet above the ground. All antennas and frequencies are T-Mobile FCC licensed:

T-Mobile	Height	Antenna Dimensions	Radio Frequency	Area
Broadband PCS	80 feet	75.8" x 13" x 3.15"	1895-1910 Mhz	BTA420-SV-Douglas
Broadband PCS	80 feet	75.8" x 13" x 3.15"	1975-1900 Mhz	BTA420-SV-Douglas
Broadband PCS	80 feet	75.8" x 13" x 3.15"	1885-1890 Mhz	BTA420-SV-Douglas
Broadband PCS	80 feet	75.8" x 13" x 3.15"	1965-1970 Mhz	BTA420-SV-Douglas
AWS - 1	80 feet	75.8" x 13" x 3.15"	1745-1755 Mhz	REA005-Central
AWS - 1	80 feet	75.8" x 13" x 3.15"	2145-2155 Mhz	REA005-Central

The Federal Communications Commission certifies all telecommunications equipment, bands, frequencies and power levels are within legal limits. The Community Development Department has confirmed that none of these frequencies would interfere with Public Safety or Fort Huachuca communications.



Location Map



Via Elegante Aerial



View north to Ramsey Road from proposed site



View to south from proposed site



View to east from proposed site



View to west from proposed site

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications

may be needed.

Six of the ten factors apply to this request. The project, as submitted, complies with five those six factors; and will fully comply if a waiver is granted for the sixth factor. The four remaining factors are not applicable to this application.

A. Compliance with Duly Adopted Plans: Not Applicable

The project site is not within the boundaries of any area plan.

B. Compliance with the Zoning District Purpose Statement: Not Applicable

C. Development Along Major Streets: Complies

The property takes access from Ramsey Road, a public, county maintained road, and no new access points are being proposed.

D. Traffic Circulation Factors: Complies

The applicant provides periodic maintenance to the antennas on the tower once or twice a month as needed for service or maintenance. The Special Use, if granted, will not significantly increase the traffic on Ramsey Road.

E. Adequate Services and Infrastructure: Complies

The project site is served by Sulphur Springs Valley Electric Cooperative; no other utilities are required by the Applicant. The parcel is in the Fry Fire District; increased fire risk is negligible. The site is accessed by Ramsey Road, a county-maintained roadway.

F. Significant Site Development Standards: Complies with Waiver

The site development standards for Communications Facilities are found in Article 18, Section 1813 of the Zoning Ordinance. The proposed monopole tower makes collocation available for up to three future wireless service providers. This application meets the setback for the tower but does not meet the 28-foot setback requirement for the base facility. The applicant is requesting a waiver of this requirement.

At 85-feet tall the proposed monopole is exempt from Federal Aviation Administration lighting and marking requirements which require lighting and marking if a structure is 200-feet tall or higher.

The application meets the off-street parking requirement.

The site is not in a designated floodplain.

Staff is recommending that, other than emergency signage, no signage be permitted for this use.

G. Public Input: Complies

The Applicant sent letters and photo-simulations to all property owners within 1,000-feet of the tower parcel to notify them of his application and to address any neighbor concerns. This notification produced one comment from a property owner requesting a tower at his location.

H. Hazardous Materials: Not Applicable

I. Off-Site Impacts: Complies.

The antennas do not generate smoke, noise, lights, or odors. The most significant noise is generated by the air conditioning units on ground in the equipment shelters which are similar to air conditioning units in homes. The tower will have no lights and the base facility will have no lighting except when the technician is on-site working.

J. Water Conservation: Not Applicable

No new water use is proposed.

V. MODIFICATIONS TO DEVELOPMENT STANDARDS

This application exceeds the thirty foot setback requirement for the tower, but not the setback for the base facility screen wall. The applicant is requesting a waiver of this requirement and staff is recommending the waiver of the 28-foot requirement as the twenty-foot wall setback exceeds the underlying General Business zoning district minimum ten-foot Special Use setback requirement.

VI. PUBLIC COMMENT

The Planning Department mailed notices to neighboring property owners within 300-feet of the subject property. Staff posted the property on February 10, 2015 and published a legal notice in the *Bisbee Observer* on February 19, 2015. In response to applicant and County mailings, the Planning Department received no letters opposing this request.

VII. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to approve a wireless communications facility consisting of an 85-foot-tall monopole tower and base equipment surrounded by an eight-foot high block wall at the Via Elegante Assisted Living Facility in Hereford.

Factors in Favor of Approving the Special Use

1. With the recommended Conditions of Approval, the proposed use would fully comply with the six Special Use factors used by staff to analyze this request;
2. Cochise County encourages collation of wireless facilities and the proposed tower and base facilities are designed to provide co-location for three additional wireless providers; and
3. The applicant is providing wireless phone and data service to the community.
4. No letters in opposition have been received.

Factors Against Allowing the Special Use

None

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval** of the Special Use request, subject to the following Conditions:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. No signage, other than emergency signage, will be allowed for this wireless communications facility.

4. No base equipment shall extend above the top of the security/screen wall.
5. Any changes to the approved Special Use, including additional height to the security/screen wall beyond the eight feet requested in this Special Use application will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.

Staff further recommends that the following Waiver of development standards be applied to the use:

1. A Waiver of the requirements for wireless communications facility setback to allow a twenty foot setback for the screen wall surrounding the base facility.

Sample Motion: *Mr. Chairman, I move to approve Special Use Docket SU-14-19, with the Conditions of Approval and Modifications and Waivers to development standards recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

IX. ATTACHMENTS

- A. Application
- B. Parcel map and aerial
- C. Photo simulations of proposed tower
- D. Agency comment memos



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY PLANNING DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER 104-04-008P

APPLICANT Clear Blue Services

ADDRESS 407 S. Price Road, Tempe, Arizona 85281

CONTACT TELEPHONE NUMBER 602-426-9500

EMAIL ADDRESS: kentflake@clearblueservices.com

PROPERTY OWNER (IF OTHER THAN APPLICANT) Ramsey Canyon 4120 LLC

ADDRESS Andrew Briefer - Managing Partner, DBA Via Elegante

4120 East Ramsey Road, Hereford, AZ 85615

DATE SUBMITTED _____

Special Use Permit Public Hearing Fee (if applicable)	\$ _____
Building/Use Permit Fee	\$ _____
Total paid	\$ _____

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that **nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.**)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

6. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? The property is being used as an assisted living facility known as Via Elegante. The proposed communications tower would be a secondary use.
2. What is the proposed use or improvement? We are proposing an 85' monopole wireless telecommunications tower as a secondary use on the site. The tower would be located near the northwest corner of the site and be set back about 430' from Ramsey Road and about 970' from Highway 92.
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? The proposed tower will be an unmanned facility and will not generate any traffic, produce any waste, or cause significant noise.
4. Describe all intermediate and final products/services that will be produced/offered/sold.
The wireless telecommunications tower will provide collocation opportunities for other wireless carriers. Customers of carriers located on the tower will experience enhanced wireless services, including fewer dropped calls, faster downloads, and reliable access to emergency services.

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

The lease area will be enclosed with a CMU wall; equipment will be mounted on concrete pads or will be within state approved equipment shelters within the enclosure.

6. Will the project be constructed/completed within one year or phased? One Year X
Phased if phased, describe the phases and depict on the site plan.

The wireless communications tower and equipment compound will be completed within 30-60 days.

Additional equipment will be added to the compound and on the tower as additional carriers lease space.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 24 Hours (from AM to PM) (Facility is unmanned)

B. Number of employees: Initially: 0 Future: 0
Number per shift Seasonal changes Personnel will only be on site for periodic maintenance and repair.

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

On a daily basis there is no traffic. Servicing and maintenance personnel on are site once or twice per month

(2) Total trucks (e.g., by type, number of wheels, or weight)

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

Service and maintenance personnel will access the site from Highway 92 to Ramsey Road, then south via private driveway to the site.

(4) If more than one direction, estimate the percentage that travel in each direction

N/A

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest

Maintenance is typically performed at night when cell phone traffic is lightest.

Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

D. Estimated total gallons of water used: per day N/A per year N/A

Will you use a septic system? Yes No X If yes, is the septic tank system existing?

Yes No Show the septic tank, leach field and 100% expansion area on the site plan.

G. Does your parcel have permanent legal access*? Yes No if no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

H. For Special Uses only - provide deed restrictions that apply to this parcel if any.
Attached _____ NA

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	N/A	
Sewer/Septic	N/A	
Electricity	Sulphur Springs Valley Electric Co-op	
Natural Gas	N/A	
Telephone	Century Link	
Fire Protection		

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Facility is unmanned. Radio cabinets and other base equipment will be placed outdoors on concrete pads or in equipment shelters within the walled equipment compound.

2. Will outdoor storage of equipment, materials or products be needed? Yes No if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. Equipment located at ground level will either be located in an equipment shelter or will be

screened from view by a 8' high CMU wall.

3. Will any noise be produced that can be heard on neighboring properties? Yes No if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? The most significant noise generated by the site will be the

noise from air conditioning units on the equipment shelters. The noise will be attenuated by the CMU

wall and will be no more bothersome than A/C units on homes in the area.

4. Will any vibrations be produced that can be felt on neighboring properties? Yes ___ No X if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____

5. Will odors be created? Yes ___ No X If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____

6. Will any activities attract pests, such as flies? Yes ___ No X If yes, what measures will be taken to prevent a nuisance on neighboring properties?

7. Will outdoor lighting be used? Yes X No ___ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications. The only outdoor lighting will be motion sensor lighting above the doors to equipment shelters within the walled equipment compound.

8. Do signs presently exist on the property? Yes ___ No X If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

There will be no additional signage for the wireless facility other than FCC required signage at the facility.

A. _____ B. _____ C. _____ D. _____

9. Will any new signs be erected on site? Yes ___ No ___ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes ___ No X

If yes, will storm water be directed into the public right-of-way? Yes ___ No ___

Will washes be improved with culverts, bank protection, crossings or other means?

Yes ___ No X Communication facility will not significantly change the drainage on the site.

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other) Existing driveways and parking lot will be used for access and technician parking.
Gravel will be used inside the equipment compound.

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?
Yes ___ No X If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

The only water usage on the site will be for landscape plants around the perimeter of the site.

The landscaped area will be maintained as part of the landscaping for Via Elegante.

The communications site will otherwise not use any water.

2. How many acres will be cleared? The lease area encompasses 0.123 acres.
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) _____

SECTION D - Hazardous or Polluting Materials

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes ___ No X If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

Note: Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333).

SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature _____

Print Applicant's Name Kent Flake for Clear Blue Services on behalf of APC Towers

Date signed November 25, 2014

PROJECT SCOPE

AP TOWERS PROPOSES TO CONSTRUCT A NEW TELECOMMUNICATIONS FACILITY. THE FACILITY WILL CONSIST OF A NEW TOWER, A NEW 150 FT. TOWER, AND A NEW 150 FT. TOWER. THE TOWER WILL INCLUDE (8) CELL PHONE ANTENNAS FOR CDMA, GSM, AND 1.9 GHz. THE TOWER WILL ALSO INCLUDE (8) CELL PHONE ANTENNAS FOR T-MOBILE ATTACHED ON (2) NEW SECTOR FRAMES OF ANTENNAS PER SECTOR. THE PROJECT WILL PROVIDE NEW 500A, 1 LETTER SCKET S.E.S. W/1) 200 AMP ELECTRICAL METER AND DISCONNECT, FOR T-MOBILE AND (2) FUTURE LETTER SOCKETS AND 200 AMP DISCONNECTS ON NEW 4-PHASE ISSUE THE COMPOND FOR FUTURE CELLULAR CARRIERS. NEW LANDSCAPING WILL BE ADDED AROUND THE PROPOSED AND THE EXISTING WINDSHIELD SYSTEM.

PROJECT INFORMATION

SITE ADDRESS: VIA ELEGANTE, 4120 E. RAMSEY RD., HEREFORD, AZ 85615

PROPERTY OWNER: RAMSEY CANYON 4120 LLC, 4120 E. RAMSEY RD., HEREFORD, AZ 85615

APN: 104-04-003P

ELEVATION: 4,730.8' (NNVD88)

LATITUDE: 31° 27' 57.20" N

LONGITUDE: -110° 18' 15.40" W

UTM EASTING: 1102208658

UTM NORTHING: 4730800

JURISDICTION: COCHISE COUNTY, AZ

EXISTING USE: ASSISTED LIVING CENTER / VACANT LAND

PROPOSED USE: UNMANNED TELECOMMUNICATIONS FACILITY

LEASE AREA: 3,343 SF

OCCUPANCY: U

CONSTRUCTION TYPE: V-3 (NON-SPRINKLERED)

ZONING: OB

DRAWING INDEX

REV	DESCRIPTION	DATE
T-1	TITLE SHEET	
LS-1	LAND SURVEY	
LS-2	LAND SURVEY	
A-1	OVERALL SITE PLAN	
A-2	ENLARGED SITE PLAN	
A-3	ELEVATIONS	
A-4	ELEVATIONS	
A-5	DETAILS	

NOTES

ANISMA DESIGN BASED ON T-MOBILE REFS VER. 1, DATED: 06/09/14

REDLINE DRAWING REVIEW

NAME (PRINT)	SIGNATURE	DATE
GENERAL CONTRACTOR - CONFIRM ACCURACY OF THESE REDLINE DRAWINGS		
NAME (PRINT)	SIGNATURE	DATE
FIELD COORDINATOR - VERIFY INSTALLATION PER REDLINE DRAWINGS		
NAME (PRINT)	SIGNATURE	DATE
ENGINEERING - County Engineer Shall Review Redline Drawings To Ensure Changes Do Not Alter The Original Design Intent And/Or Are Code Compliant		

APPROVALS

C.S. (CONSTR.): _____ DATE: _____

LANDLORD: _____ DATE: _____

LANDLORD: _____ DATE: _____

SITE ACO: _____ DATE: _____

BUILDING CODES AND STANDARDS

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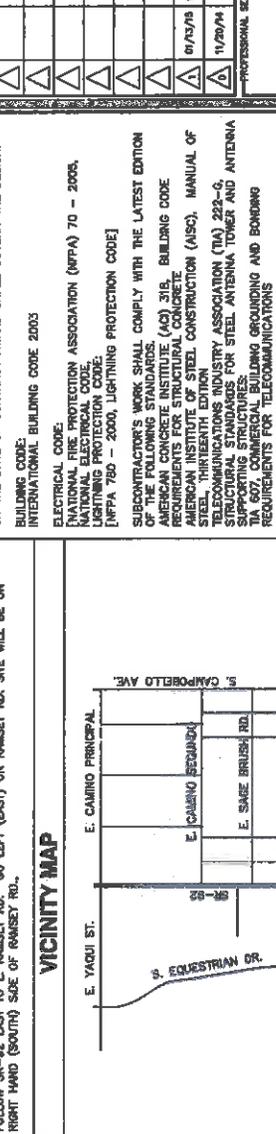
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VICINITY MAP



SITE QUALIFICATION PARTICIPANTS

NAME	COMPANY	NUMBER
CHRIS HULL	CLEAR BLUE SERVICES	(902) 428-8600
KENT FLAKE	CLEAR BLUE SERVICES	(902) 428-8600
BILL DALEY	RELIANT LAND SERVICES	(702) 697-4170
CHRISTIAN NEWCOMB	T-MOBILE	(480) 836-3806
CHRIS DONNELLY	T-MOBILE	(902) 670-0101
MARK DURANT	T-MOBILE	(902) 888-5487
ANDY BRUFER	RAMSEY CANYON #120, LLC	(902) 290-3290

APPROVALS

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TELECOMMUNICATIONS: TELECOMMUNICATIONS INDUSTRY ASSOCIATION (TIA) 222-G, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWER AND ANTENNA SUPPORTING STRUCTURES

GROUNDING: IEEE 981, SPECIAL BUILDING GROUNDING AND BONDING REQUIREMENTS FOR TELECOMMUNICATIONS

INSTALLATION: INSTITUTE FOR ELECTRICAL AND ELECTRONICS ENGINEERS (IEEE) 61, IEEE 1100 (1996), RECOMMENDED PRACTICE FOR POWERING AND GROUNDING OF ELECTRONIC EQUIPMENT

WIND: ASCE 7-02, MINIMUM DESIGN WIND SPEEDS AND PRESSURE COEFFICIENTS FOR BUILDINGS AND OTHER STRUCTURES

SEISMIC: IBC 1805, SEISMIC REQUIREMENTS FOR BUILDINGS

TELEPHONE: TELCORDIA GR-1275, GENERAL INSTALLATION REQUIREMENTS FOR TELEPHONE - DC POWER SYSTEMS - TELECOM, ENVIRONMENTAL PROTECTION

TELEVISION: TELCORDIA GR-1503, COAXIAL CABLE CONNECTIONS FOR TELEVISION - DC POWER SYSTEMS - TELECOM, ENVIRONMENTAL PROTECTION

FOR ANY CONFLICTS BETWEEN SECTIONS OF LISTED CODES AND STANDARDS REGARDING MATERIAL METHODS OF CONSTRUCTION, OR OTHER REQUIREMENTS, THE MOST RESTRICTIVE REQUIREMENT SHALL GOVERN. WHERE THERE IS CONFLICT BETWEEN A GENERAL REQUIREMENT AND A SPECIFIC REQUIREMENT, THE SPECIFIC REQUIREMENT SHALL GOVERN.

SEISMIC ZONE "C"

DIRECTIONS

DIRECTIONS: FROM PHOENIX GO EAST ON I-10 TOWARDS TUCSON. CONTINUE ON I-10 EAST PAST TUCSON TO SR-90. EXIT 302 TOWARD FT. HUACHUCA. SERVA WSTA. EXIT RIGHT AND GO EAST ON SR-90. TURN RIGHT ON S. RAMSEY RD. GO LEFT (WEST) ON RAMSEY RD. SITE WILL BE ON RIGHT HAND (SOUTH) SIDE OF RAMSEY RD.

VICINITY MAP

SITE QUALIFICATION PARTICIPANTS

NAME	COMPANY	NUMBER
CHRIS HULL	CLEAR BLUE SERVICES	(902) 428-8600
KENT FLAKE	CLEAR BLUE SERVICES	(902) 428-8600
BILL DALEY	RELIANT LAND SERVICES	(702) 697-4170
CHRISTIAN NEWCOMB	T-MOBILE	(480) 836-3806
CHRIS DONNELLY	T-MOBILE	(902) 670-0101
MARK DURANT	T-MOBILE	(902) 888-5487
ANDY BRUFER	RAMSEY CANYON #120, LLC	(902) 290-3290

BUILDING CODES AND STANDARDS

SUBCONTRACTOR'S WORK SHALL COMPLY WITH ALL APPLICABLE NATIONAL, STATE, AND LOCAL CODES AS ADOPTED BY THE LOCAL JURISDICTION. THE FOLLOWING LISTED CODES AND STANDARDS IN EFFECT ON THE DATE OF CONTRACT AWARD SHALL GOVERN THE DESIGN.

BUILDING CODE: INTERNATIONAL BUILDING CODE 2003

ELECTRICAL CODE: NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 70 - 2005, NATIONAL ELECTRICAL CODE, NATIONAL FIRE PROTECTION ASSOCIATION [NFPA 70B - 2009, LIGHTNING PROTECTION CODE]

CONCRETE: AMERICAN CONCRETE INSTITUTE (ACI) 318, BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE

STEEL: AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC), MANUAL OF STEEL CONSTRUCTION, THIRTEENTH EDITION

TELECOMMUNICATIONS: TELECOMMUNICATIONS INDUSTRY ASSOCIATION (TIA) 222-G, STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWER AND ANTENNA SUPPORTING STRUCTURES

GROUNDING: IEEE 981, SPECIAL BUILDING GROUNDING AND BONDING REQUIREMENTS FOR TELECOMMUNICATIONS

INSTALLATION: INSTITUTE FOR ELECTRICAL AND ELECTRONICS ENGINEERS (IEEE) 61, IEEE 1100 (1996), RECOMMENDED PRACTICE FOR POWERING AND GROUNDING OF ELECTRONIC EQUIPMENT

WIND: ASCE 7-02, MINIMUM DESIGN WIND SPEEDS AND PRESSURE COEFFICIENTS FOR BUILDINGS AND OTHER STRUCTURES

SEISMIC: IBC 1805, SEISMIC REQUIREMENTS FOR BUILDINGS

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SEISMIC ZONE "C"

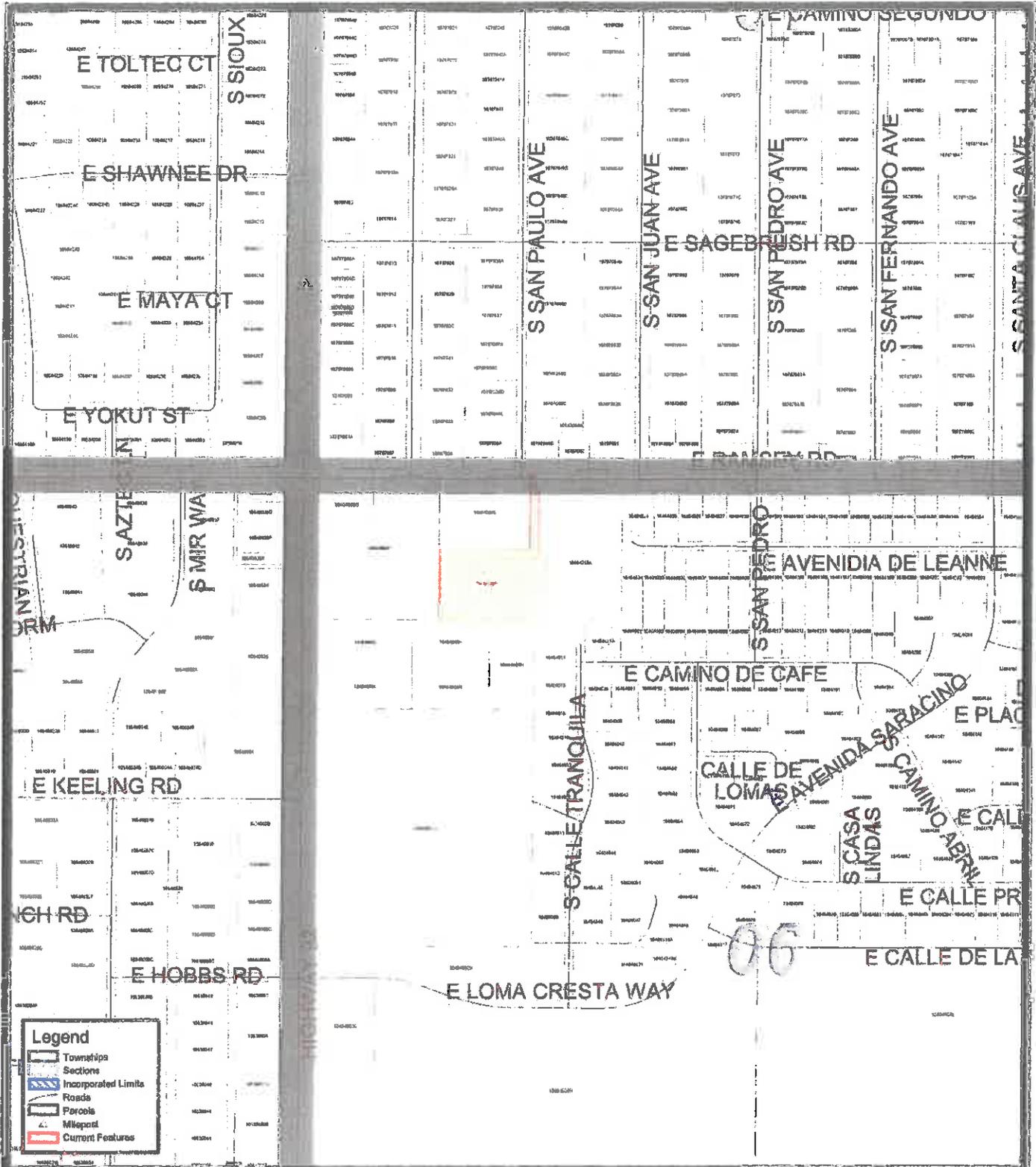
DIRECTIONS

DIRECTIONS: FROM PHOENIX GO EAST ON I-10 TOWARDS TUCSON. CONTINUE ON I-10 EAST PAST TUCSON TO SR-90. EXIT 302 TOWARD FT. HUACHUCA. SERVA WSTA. EXIT RIGHT AND GO EAST ON SR-90. TURN RIGHT ON S. RAMSEY RD. GO LEFT (WEST) ON RAMSEY RD. SITE WILL BE ON RIGHT HAND (SOUTH) SIDE OF RAMSEY RD.

VICINITY MAP

SITE QUALIFICATION PARTICIPANTS

NAME	COMPANY	NUMBER

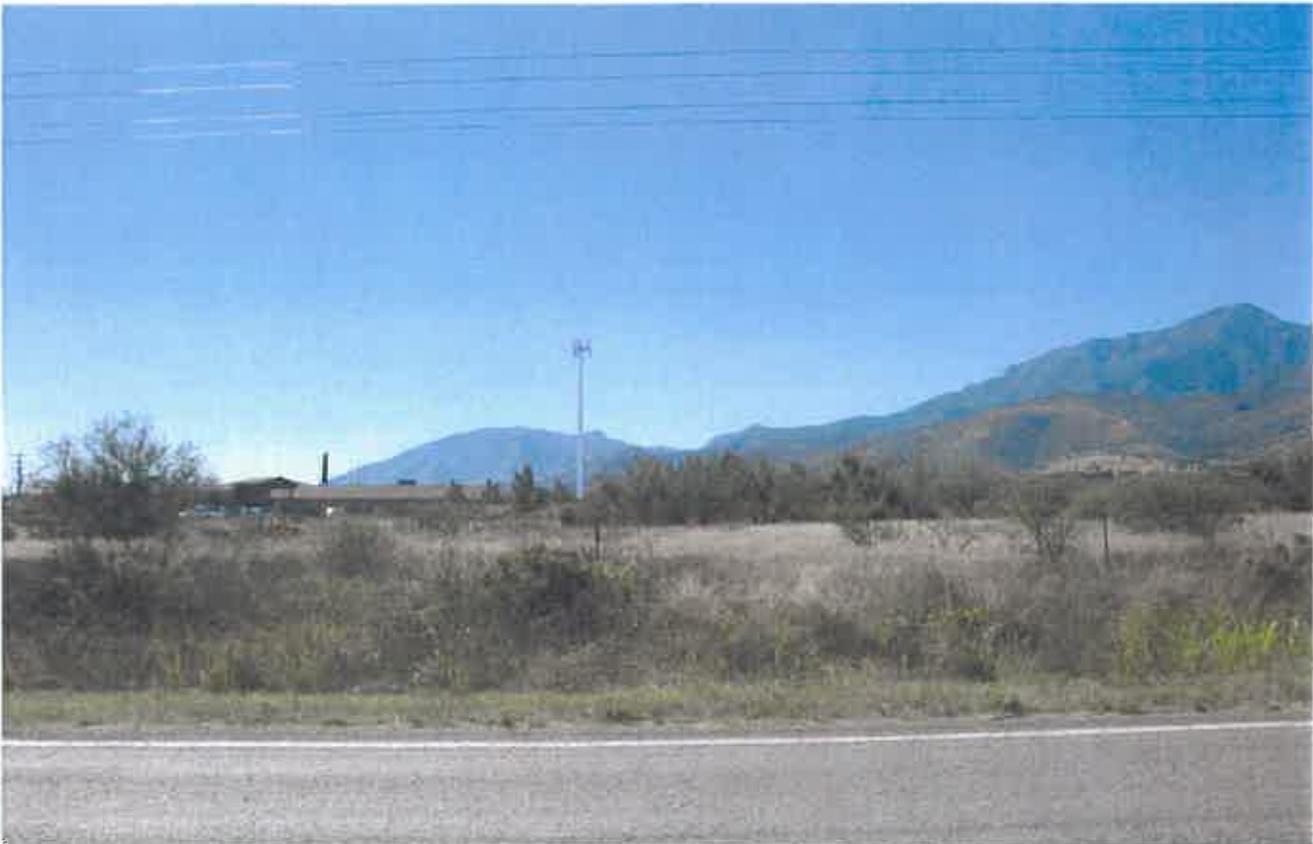


This map is a product of the Cochise County GIS Information Technology Dept.






**EXISTING NORTH ELEVATION
(LOOKING SOUTH - FROM RAMSEY RD.)**



**PROPOSED NORTH ELEVATION
(LOOKING SOUTH - FROM RAMSEY RD.)**



**EXISTING WEST ELEVATION
(LOOKING EAST - FROM HIGHWAY. 92)**



**PROPOSED WEST ELEVATION
(LOOKING EAST - FROM HIGHWAY 92)**

D25



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

DATE: December 12, 2014

TO: Jesse Drake, Planner II

FROM: Pam Hudgins, Right-of-Way Agent II

SUBJECT: Special Use Permit for Clear Blue Services (AP Towers) SU-14-19

Background: Clear Blue Services requested a Special Use Permit for Assessor Parcel Number 104-04-008P for the authorization to approve the addition of a commercial wireless communications facility including a 90 foot monopine tower and base equipment at the Via Elegante Assisted Living facility, a commercially zoned property. The proposed use is considered a Special Use in the General Business Zoning Districts under Section 1205.12 of the Zoning Regulations. Right-of-Way Staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

Analysis:

- Access for the subject parcel is from Ramsey Road, a county maintained road (Maintained ID #813) and approximately one quarter mile east of ADOT'S Highway 92.
- The north side of Ramsey Road has public dedication in various widths from 35 feet to 50 feet in width.
- The south side of Ramsey Road was dedicated to the public per Docket 1125 page 189 and per Docket 1133 page 522, dated December 6, 1976 with 50 feet in width.
- On the south side of Ramsey Road a portion of Assessor Parcel Number 104-04-008P has an additional 25 feet of public dedication per Plat Map Book 014 page 51 dated December 19, 2000.

Recommendation:

- The road is currently established at 50' - 100' in width of public dedication and the required dedication is in place. No further right-of-way dedication is required at this time.



Sulphur Springs Valley Electric Cooperative, Inc.

A Touchstone Energy® Cooperative 

UTILITY REVIEW

To: Jesse Drake, Planner II Cochise County Community Development Department
From: Ruth Bigelow-Right of Way Agent
Date: 12/4/2014
Re: SU-14-19 Special Use Project-AP Towers

- SSVEC facilities location:
 - SSVEC has a Single Phase Primary Underground line located North of the North line of the lease area boundary
- Issues:
 - Pages A-1 & A-2 show an underground electric line, but the line type is labeled differently on each map. A-1 has the line labeled as "U/G Electric, where A-2 has it labeled as "Electric Route".
 - Is this the future alignment of the electric service to the tower or is it an existing underground line.
 - SSVEC's Underground line is not located on the plans.
 - Page LS-1 does state that a "Bluestake" will have to be performed prior to any construction

I show no conflicts with SSVEC facilities

I have attached a markup of the pages from the plan that pertains to SSVEC power line locations. If you have further questions or concern, please contact mat at 520-384-5513 or rbigelow@ssvec.com.



Cochise County
Community Development
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
 www.cochise.az.gov

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Jesse Drake, Planner II
FOR: Beverly J. Wilson, Planning Director *BW*
SUBJECT: Docket SU-15-02 (Byra)
DATE: March 2, 2015 for the March 11, 2015 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant is requesting a Special Use authorization to approve a facility for the cultivation, infusion and dispensing of medical marijuana at on an RU-4, Rural zoned property. The proposed use is considered a Special Use in RU-4 Rural Zoning Districts under Sections 607.53, 607.55 and 607.56 of the Zoning Regulations. The subject parcel, APN 404-32-035 is located at 3351 W. Leyte Road in McNeal, AZ. The Applicant is John M. Brya.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 40-Acres
 Zoning: RU-4 Rural (one residence per four-acres)
 Growth Area: Rural
 Comprehensive Plan Designation: D-Rural
 Area Plan: None
 Existing Uses: Single Family Residential
 Proposed Uses: Medical Marijuana Dispensary, Cultivation, and Infusion Facility

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Leyte Road and Vacant
South	RU-4	Vacant
East	RU-4	Vacant
West	RU-4	Low Density Single Family

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

II. PARCEL HISTORY

2001 – Permit for Manufactured Home and Sanitary Septic
2001 – Permit for Wind Generator Antenna
2001 – Permit for Swimming Pool and Spa
2002 – Permit for Shed and Domed Cloth Pool Cover
2003 – Permit for Garage and Carport

III. NATURE OF REQUEST

The Applicant is requesting a Special Use authorization to approve a facility for the cultivation, infusion and dispensing of medical marijuana on a 40-acre RU-4 parcel located at 3351 W. Leyte Road in McNeal, Arizona approximately 2.6 miles east of Highway 191 and one-half mile south of Davis Road. The Applicant will provide a delivery service for the products produced, which will minimize traffic to the site.

The existing single family residence has a circular driveway that takes access from Leyete Road that will provide parking for up to five vehicles on a chip-sealed surface.

The applicant will surround each one-acre outdoor cultivation area with a ten-foot tall metal wall. Additionally the entire parcel will be surrounded with a four-foot high, four-strand barbed wire fence. The applicant is projecting to have one acre in cultivation the first year and expand to two acres the second year and four acres by the third year.

Article 1825 of the Cochise County Zoning Regulations requires a minimum 300-foot separation from any residence. The closest residence is over 1100-feet from any part of the proposed facility. There are no other facilities, libraries, schools, or day-care facilities within the mandatory 500-feet of the parcel boundary lines. The medical marijuana facility will not only be required to meet the security as mandated by the State of Arizona, it will also require final approval from the Arizona Department of Health Services (AZDHS).

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed.

Eight of the ten factors apply to this request. The project, as submitted, complies with all eight of those factors. The two remaining factors are not applicable to this application.

A. Compliance with Duly Adopted Plans: Not Applicable

The project site is not within the boundaries of any area plan. Per the Comprehensive Plan, the property is within a Category D Growth Area, and carries a "Rural" Plan Designation. Such areas can be conducive to the development of uses otherwise deemed inappropriate for more densely-populated areas.

B. Compliance with the Zoning District Purpose Statement: Complies

Article 601.02 of the Zoning Regulations encourages those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living.

C. Development Along Major Streets: Complies

The property takes access from Leyte Road, a private road with access to Ranch Road and Davis Road. Davis Road is a County maintained road, and no new access points are being proposed.

D. Traffic Circulation Factors: Complies

The Comprehensive Plan policies state that development should take place in such a way as to preserve the function of those streets. In particular, non-residential uses should have access to major roadways where

possible and non-residential traffic should not proceed along streets that primarily serve residential areas. In this case, the property takes access via Leyte Road, a 50-foot wide private road easement to Ranch Road, also a 50-foot wide private easement. These streets serve the rural-residential neighborhood in which the subject property is located. A mitigating factor to be considered is that the Applicant plans to provide a delivery service for his product to other Dispensaries and to clients.

Staff is recommending a Private Maintenance Agreement to be finalized during the Joint Permit process, to ensure that the travelway to Davis Road is maintained in a safe, passable condition, per Section 1807.02.

E. Adequate Services and Infrastructure: Complies

The project site is served by Sulphur Springs Valley Electric Cooperative; water is from a private well that is on site; and a septic tank presently serves the residence. The parcel is served by the Elfrida Fire Department.

F. Significant Site Development Standards: Complies

The proposed use will convert an existing residential property into a non-residential facility. All site development standards must be met to obtain a non-residential use permit, should this request be approved. The site plan, as submitted, does indicate an existing parking area. In addition, any proposed structures will be required to meet existing zoning regulations as they pertain to set-backs, off-site parking, and loading areas, distance between buildings, screening, land clearing, water conservation, and Section 1825 of the Zoning Regulations pertaining to Medical Marijuana. Additionally, the Applicant will be required to meet the State of Arizona laws pertaining to these types of facilities.

G. Public Input: Complies

The Applicant sent letters to all property owners within 1,500-feet of the tower parcel to notify them of his application and to address any neighbor concerns (Attachment D). This notification produced four comments from neighboring property owners; three were neutral, with one expressing opposition.

H. Hazardous Materials: Not Applicable

The applicant has indicated that no hazardous materials will be used on site.

I. Off-Site Impacts: Complies.

Off-site impacts from this proposed use could include dust, odors, and lighting. The closest neighbor is over 1,000-feet away from the proposed facility and the other surrounding parcels are vacant, therefore odor does not appear to be an issue. While lighting is required by State law for these types of facilities, it can be installed to meet the requirements for lighting found in the Zoning Regulations.

J. Water Conservation: Complies

The applicant does not address water conservation for this use. However, the existing permitted pool is covered, and any new construction will require low-flow water fixtures.

V. PUBLIC COMMENT

The Planning Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property and published a legal notice in the *Bisbee Observer* on February 19, 2015. In response to applicant and County mailings, the Planning Department received one letter opposing this request. This property owner cited opposition to the laws that make this proposed facility legal in Arizona.

VII. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to approve a medical marijuana cultivation, dispensary, and infusion facility located on a 40-acre parcel. All site development standards will be met during the

Joint Use Permitting process, including approval from the State of Arizona. One neighboring property owner opposes the legalization authorizing this use.

Factors in Favor of Approving the Special Use

1. With the recommended Conditions of Approval, the proposed use would fully comply with the eight Special Use factors used by staff to analyze this request;
2. The Applicant is proposing a delivery service of his products which will significantly lower the use of the private roads accessing this site; and
3. While the proposal is not for agricultural use in the more conventional sense, the proposal is nevertheless for an open-air agricultural operation. The Comprehensive Plan "D" Growth Area designation and Rural land use designation of the Site and environs allows rural residential uses along with agricultural uses.

Factors Against Allowing the Special Use

1. One neighboring property owner has expressed opposition to all medical marijuana uses.

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval** of the Special Use request, subject to the following Conditions:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;

Sample Motion: *Mr. Chairman, I move to approve Special Use Docket SU-15-02, with the Conditions of Approval as recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

IX. ATTACHMENTS

- A. Special Use Application
- B. Location and Vicinity maps
- C. Site Plans
- D. Citizen Review Report
- E. Public Comment



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

APN 404-32-035

COCHISE COUNTY PLANNING DEPARTMENT COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE (TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER 404 32 035

APPLICANT John M. Brya PO BOX 178, McNEAL AZ 85617

ADDRESS 3351 W, Leyte Rd, McNEAL 85617

CONTACT TELEPHONE NUMBER (c) 508-1946 (s) 642-1800

EMAIL ADDRESS: JMBRYA71@Yahoo.COM

PROPERTY OWNER (IF OTHER THAN APPLICANT) _____

ADDRESS _____

DATE SUBMITTED 1-30-15

Special Use Permit Public Hearing Fee (if applicable)	\$ <u>300.00</u>
Building/Use Permit Fee	\$ <u>0</u>
Total paid	\$ <u>300.00</u>

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

6. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? ~~mixed use parcel~~. has been used as a residential and medical care facility.
2. What is the proposed use or improvement? dispensary of medical marijuana, cultivation, and an infusion kitchen.
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? production of, and providing for qualified patients, medical marijuana and its derivatives.
4. Describe all intermediate and final products/services that will be produced/offered/sold. medical marijuana, its derivatives, and products related to its proper medical use.

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

existing: metal new: metal

6. Will the project be constructed/completed within one year or phased? One Year _____

Phased if phased, describe the phases and depict on the site plan.

shipping container; year one: 2 acre total; year two: 4 acre total; year 3: 6 acres total;

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 5 Hours (from 10 AM to 4 PM)

B. Number of employees: Initially: 4 - Future: 8 -
Number per shift Seasonal changes n/a

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.

6-10

(2) Total trucks (e.g., by type, number of wheels, or weight)

0

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

South on EE Ranch Rd and then East on Lezote Rd.

(4) If more than one direction, estimate the percentage that travel in each direction

one direction

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest

mid-day

* Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

D. Estimated total gallons of water used: per day 50 per year 6000

Will you use a septic system? Yes No _____ If yes, is the septic tank system existing?

Yes No _____ Show the septic tank, leach field and 100% expansion area on the site plan.

G. Does your parcel have permanent legal access*? Yes No ___ if no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

H. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached _____ NA

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	private well	
Sewer/Septic	private septic	
Electricity	Sulphur Springs Co-op	
Natural Gas	- none -	- none -
Telephone		
Fire Protection	Alfida Fire Dept	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Growing medical marijuana for qualified patients,
caregivers, and dispensaries. NO chemical run-off.

2. Will outdoor storage of equipment, materials or products be needed? Yes ___ No if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. _____

3. Will any noise be produced that can be heard on neighboring properties? Yes ___ No if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? _____

4. Will any vibrations be produced that can be felt on neighboring properties? Yes ___ No If yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____

5. Will odors be created? Yes No ___ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? the odors will dissipate over distance and are non-toxic and non-hazardous.

6. Will any activities attract pests, such as flies? Yes ___ No If yes, what measures will be taken to prevent a nuisance on neighboring properties?

7. Will outdoor lighting be used? Yes No ___ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.

8. Do signs presently exist on the property? Yes ___ No If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. _____ B. _____ C. _____ D. _____

9. Will any new signs be erected on site? Yes ___ No ___ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes ___ No

If yes, will storm water be directed into the public right-of-way? Yes ___ No ___

Will washes be improved with culverts, bank protection, crossings or other means?
Yes ___ No

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other) driveway is ~~gravel~~ chipseal. parking is dirt.

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?
Yes ___ No If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

2. How many acres will be cleared? 0
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) _____

SECTION D - Hazardous or Polluting Materials

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes ___ No If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

Note: Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333).

SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature

John M. Brya

Print Applicant's Name

John M. Brya

Date signed

01/30/15

Wilson, Beverly J

From: john brya [jimbrya71@yahoo.com]
Sent: Saturday, February 28, 2015 10:10 AM
To: Wilson, Beverly J
Subject: Re: delivery of your product?

Hi Beverly.

We expect that most of the dispensary's business will be delivery-based, whether to patients or other dispensaries. In the Special Use Application we specified 4-6 customers might be using the road during business hours, with a minimum of dust created for the neighbor. With the only residence affected lying on the Southeast corner of Leyete Rd. and EE Ranch Rd. and the prevailing winds coming from the south, any dust created by cars will blow away from the house.

Thanks very much for your time and please don't hesitate to contact me with any questions.

John M. Brya



© 2015 Google
© 2015 INEGI

Imagery Date: 12/6/2013 31°35'32.80" N 109°37'47.82" W elev 4266

Wilson, Beverly J

To: Gardner, Peter B
Subject: RE: review

From: Chris Parent [<mailto:chriseparent@yahoo.com>]
Sent: Monday, March 02, 2015 10:19 AM
To: Gardner, Peter B
Subject: review

Hi Peter.

Hope all is well with you.
We have received zero letters and only 4 emails, 3 neutral and 1 against.
I have attached a copy of the letter that was sent out in January.
Please feel free to contact me with any questions.

Chris Parent

Hiya neighbor!

23 January 2015

We're writing to let you know that there is a medical marijuana dispensary applying to operate near you on Leyete Rd. You are receiving this letter because you own property within 1500 feet.

The County Planning and Zoning staff, Planning and Commission and Board of Supervisors join us in valuing your comments and hope that you will support this effort. The dispensary will pay for road improvements, add to McNeal's unique appeal for travelers, and provide some employment opportunities for qualified local individuals.

We assure you we will meet all applicable building code requirements and all dispensary activities will have minimal, if any, effect on neighboring properties.

Please let us know your approval of our project or your concerns by sending a letter or email as directed below.

We look forward to hearing from you!

Please submit your written comments so that they are received by Feb 15, 2015

By mail: McNeal Mercantile

PO Box 125

McNeal, AZ 85617

By email: crystalsdispensary@gmail.com

FEB 25 2015

PLANNING

Special Use Docket SU-15-02 (Brya)

YES, I SUPPORT THIS REQUEST
Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:
Please state your reasons:

We are of the opinion that "medical marijuana" is simply a ploy for the possession of this drug for recreational use. We see open use of this drug in our area, and until a test is devised to determine when a user is too impaired to drive a vehicle on public roads we will oppose all such legalization of this drug.

(Attach additional sheets, if necessary)

PRINT NAME(S): Clayton E. Root Marie Root
SIGNATURE(S): Clayton E. Root Marie Root

YOUR TAX PARCEL NUMBER: 464-32-090 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Wednesday, February 25, 2015 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still send email comments, or phone Jesse Drake at the contact information listed on page one by March 9, 2015 to have your support or non-support noted verbally noted at the meeting; or you may personally make a statement at the public hearing on March 11, 2015. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Jesse Drake, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603



**Cochise County
Community Development
Highway and Floodplain Division**

Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner I
FOR: Beverly J. Wilson, Planning Director *low*
SUBJECT: Docket SU-15-03 (CFAC)
DATE: February 26, 2015 for the March 11, 2015 Meeting

APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant is requesting a Special Use authorization to approve a facility as a Victim Advocacy Center, a Use considered Welfare and Charitable Services on an MH-72, (Multiple Household Residential) zoned property. The proposed use is considered a Special Use in MH-72 Zoning Districts under Section 1006.01 of the Zoning Regulations. The subject parcel, APN 106-71-193 is located at 214 E. Tacoma Street in Sierra Vista, AZ. The Applicant is CFAC.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

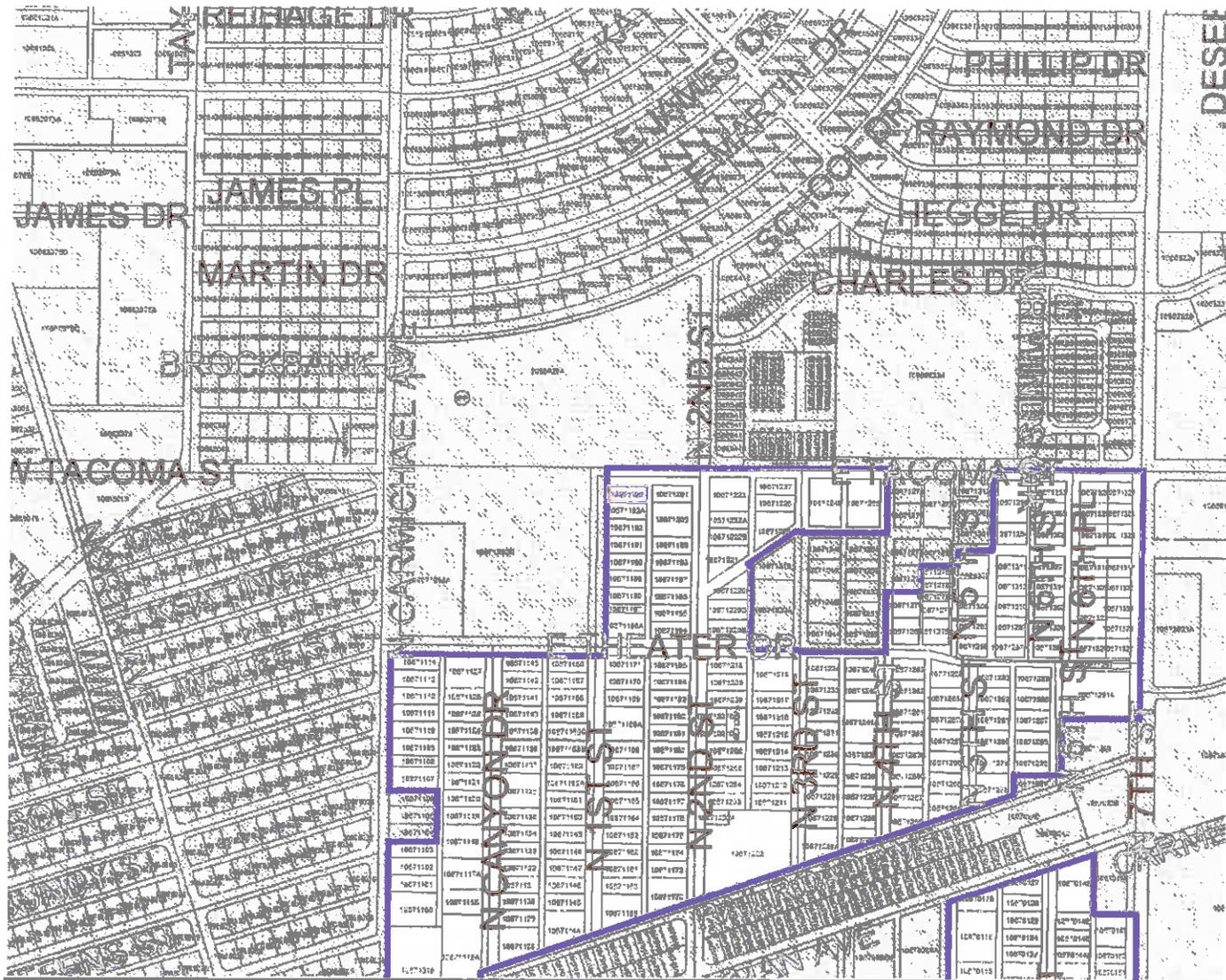
Parcel Size: 8,392-square feet (0.19-acres)
 Zoning: MH-72 (Multiple Household Residential, one dwelling per 7,200-square feet)
 Growth Area: Urban Growth Area
 Comprehensive Plan Designation: A-Neighborhood Rehabilitation
 Area Plan: None
 Existing Uses: Legal Non-Conforming Contract Construction Service
 Proposed Uses: Welfare and Charitable Services

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	County Maintained Road/OS (City Zoning)	E. Tacoma St./Elementary School
South	MH-72	Single Family Residence
East	MH-72	Single Family Residence
West	City Maintained Road/MFR (City Zoning)	N. 1 st St./City Park

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov



Above: Location map. Hatched areas are incorporated Sierra Vista.

II. PARCEL HISTORY

1970 – Storage building constructed.

1974 – Retail store constructed, which expanded into a sign shop, considered Contract Construction Services.

2015 – Repair permit issued.

III. NATURE OF REQUEST

The Applicant is requesting to change the use of an existing, legal non-conforming contract construction services land use to a Victim Advocacy Center, a use considered welfare and charitable services. The Center will not be a residential center such as a shelter, but will rather provide a safe, secure, comfortable location for victims of domestic, sexual, or child abuse to be interviewed and examined away from the pressure of a law enforcement or hospital setting. Staff will include nurses, counselors, and referral specialists, with law enforcement personnel present on an as-needed basis. Eighteen similar sites exist in Arizona, however, there are none within Cochise, Graham, or Greenlee County, and the Applicant has identified a need; an analysis supported by local law enforcement and medical agencies.

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, as well as to determine what Conditions and/or Modifications may be needed.

Nine of the ten factors apply to this request. The project, as submitted, complies with eight of those nine factors; and will fully comply if a modification is granted for the ninth factor. The remaining factor is not applicable to this application.

A. Compliance with Duly Adopted Plans: Complies

The project supports the Public Safety, Health and well being goals stated in the Cochise County Strategic Plan by expanding legal and health services for vulnerable populations. The Cochise County Comprehensive Plan encourages redevelopment of areas designated Neighborhood Rehabilitation, and this project will replace a dilapidated construction service building with a clean, modern, facility that will substantially decrease impacts to and better blend with the existing neighborhood.

B. Compliance with the Zoning District Purpose Statement: Complies

The proposed project will replace an existing legal non-conforming use that conflicts with the neighborhood with a use that causes no disruption and fits with the dense residential development nearby. The open spaces of the park and the school to the west and north help limit any remaining potential conflicts by precluding the use from being surrounded by residential uses.

C. Development Along Major Streets: Complies

The property takes access from E. Tacoma Street, a public, county maintained road, and N. 1st Street, a city maintained road.

D. Traffic Circulation Factors: Complies

No new access points are being proposed, and traffic is likely to decrease both in terms of total trips and in terms of vehicular sizes.

E. Adequate Services and Infrastructure: Complies

The project site is served by Sulphur Springs Valley Electric Cooperative, Southwest Gas, City water and sewer, and Qwest Telephone. The parcel is in the Fry Fire District, who are comfortable with the request. The site is accessed by city and county maintained roads.

F. Significant Site Development Standards: Complies with Modification

The project will be using an existing, legal non-conforming structure, which will lose that status upon the change of use. Therefore, the Applicant is requesting waivers to use the existing building in its noncompliant location.

G. Public Input: Complies

The Applicant sent letters to property owners within 1,000-feet of the parcel to notify them of his application and to address any neighbor concerns. This notification produced two positive responses from neighboring property owners.

H. Hazardous Materials: Not Applicable

I. Off-Site Impacts: Complies.

Other than the potential of additional traffic there will be no more impacts than those generated by a typical single family residence. The site will not be used during evening hours, and noise will be minimal, particularly as the property will be surrounded with a solid wall for security. The proposed use will certainly eliminate the noise, odors, and vibrations that are associated with the previous contract construction use.

J. Water Conservation: Complies.

The project is located within the Sierra Vista Subwatershed area, and will comply with all applicable requirements.

V. MODIFICATIONS TO DEVELOPMENT STANDARDS

The Applicant has requested that the Commission permit the existing structure, which does not meet setbacks, to be used as is.

VI. PUBLIC COMMENT

The Planning Department mailed notices to neighboring property owners within 300-feet of the subject property. Staff posted the property on February 23, 2015 and published a legal notice in the *Bisbee Observer* on February 19, 2015. In response to applicant and County mailings, the Planning Department received no letters supporting or opposing this request.



Above: Site conditions. The structure in the foreground is being removed for additional parking area. The rear building will be remodeled into the Advocacy Center.

VII. SUMMARY AND CONCLUSION

The proposed facility will fill an important need in Cochise County and Southeastern Arizona. The use will be less intense than the grandfathered use, and better fits into the residential neighborhood. A facility for victims and their care-givers will minimally intrusive, and fill the current gap in services for Law-Enforcement and medical personnel.

Factors in Favor of Approving the Special Use

1. With the requested Modification of setbacks, the request complies with all of the nine applicable Special Use factors used by staff to analyze this request;
2. The Comprehensive Plan encourages eliminating non-conforming uses in residential areas; and
3. The Comprehensive Plan also encourages redevelopment of neighborhoods such as the Fry Town Site; and
4. The Strategic Plane encourages improving Public Safety and the Health and Wellbeing of the Public, and this use will improve those services; and
5. This use will fill a need within Cochise County and Greater Southeastern Arizona, as stated by the law enforcement community; and
6. No letters in opposition have been received.

Factor Against Allowing the Special Use

None Apparent

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval** with the requested Modification to site development standards, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

Sample Motion: *Mr. Chairman, I move to Conditionally Approve Docket SU-15-03 I, with the Conditions of Approval and Modifications recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

IX. ATTACHMENTS

- A. Application
- B. Parcel map and aerial
- C. Agency comment memos



COCHISE COUNTY
COMMUNITY DEVELOPMENT
"Public Programs... Personal Service"

COCHISE COUNTY PLANNING DEPARTMENT
COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE
(TO BE PRINTED IN INK OR TYPED)

TAX PARCEL NUMBER 106-71-193

APPLICANT K. Michael Rutherford / Cochise Victim Advocacy Center

ADDRESS 173 Carl Hayden Dr / 214 E Tacoma St Sierra Vista, AZ 85635

CONTACT TELEPHONE NUMBER 520-975-8314

EMAIL ADDRESS: mike@rdiinc.us

PROPERTY OWNER (IF OTHER THAN APPLICANT) _____

ADDRESS _____

DATE SUBMITTED 01/30/15

Special Use Permit Public Hearing Fee (if applicable)	\$ _____
Building/Use Permit Fee	\$ _____
Total paid	\$ _____

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that **nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.**)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

6. Hazardous or Polluting Materials Questionnaire, if applicable.

OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

PART TWO - QUESTIONNAIRE

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

SECTION A - General Description (Use separate sheets as needed)

1. What is the existing use of the property? Sign Shop
2. What is the proposed use or improvement? Family advocacy center to serve sexual assault victims, domestic assault victims, domestic violence victims, and will house sexual assault nurse examiners, police, county attorney, counselors, C.P.S., forensic interviewers and other related officers.
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? Individuals will arrive for interviews and counseling. There will be less noise and impact than the sign shop.
4. Describe all intermediate and final products/services that will be produced/offered/sold. Counseling, interviews, legal and medical services.

5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

Existing ~~metal~~ ^{masonry} bus bldgs

6. Will the project be constructed/completed within one year or phased? One Year
 Phased if phased, describe the phases and depict on the site plan.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 8 Hours (from 9 AM to 5 PM) ^{plus} As needed

B. Number of employees: Initially: 2 Future: 8-10
 Number per shift Seasonal changes N/A

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.
 ±5

(2) Total trucks (e.g., by type, number of wheels, or weight)
 N/A

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?
 N/A

(4) If more than one direction, estimate the percentage that travel in each direction
 N/A

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest
 N/A

Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

D. Estimated total gallons of water used: per day _____ per year _____

Will you use a septic system? Yes No If yes, is the septic tank system existing?

Yes No Show the septic tank, leach field and 100% expansion area on the site plan.

Existing sewer

G. Does your parcel have permanent legal access*? Yes No ___ if no, what steps are you taking to obtain such access?

*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

H. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached _____ NA

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	City	
Sewer/Septic	City	
Electricity	SW SVEC	
Natural Gas	SW Gas	
Telephone	Qwest	
Fire Protection	Fry Fire	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Parking, which will be screened

2. Will outdoor storage of equipment, materials or products be needed? Yes ___ No if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. _____

3. Will any noise be produced that can be heard on neighboring properties? Yes ___ No if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties? _____

4. Will any vibrations be produced that can be felt on neighboring properties? Yes ___ No X if yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? _____

5. Will odors be created? Yes ___ No X If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? _____

6. Will any activities attract pests, such as flies? Yes ___ No X If yes, what measures will be taken to prevent a nuisance on neighboring properties? _____

7. Will outdoor lighting be used? Yes X No ___ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications. Security lighting as needed

8. Do signs presently exist on the property? Yes X No ___ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan. To be removed

A. _____ B. _____ C. _____ D. _____

9. Will any new signs be erected on site? Yes X No ~~X~~ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached). Small Identification Sign

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?
Yes ___ No X

If yes, will storm water be directed into the public right-of-way? Yes ___ No X

Will washes be improved with culverts, bank protection, crossings or other means?
Yes ___ No X

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

Existing chipseal and asphalt, as well as concrete + gravel

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?
Yes ___ No If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

N/A

2. How many acres will be cleared? N/A
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.) N/A

SECTION D - Hazardous or Polluting Materials

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes ___ No If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

Note: Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333).

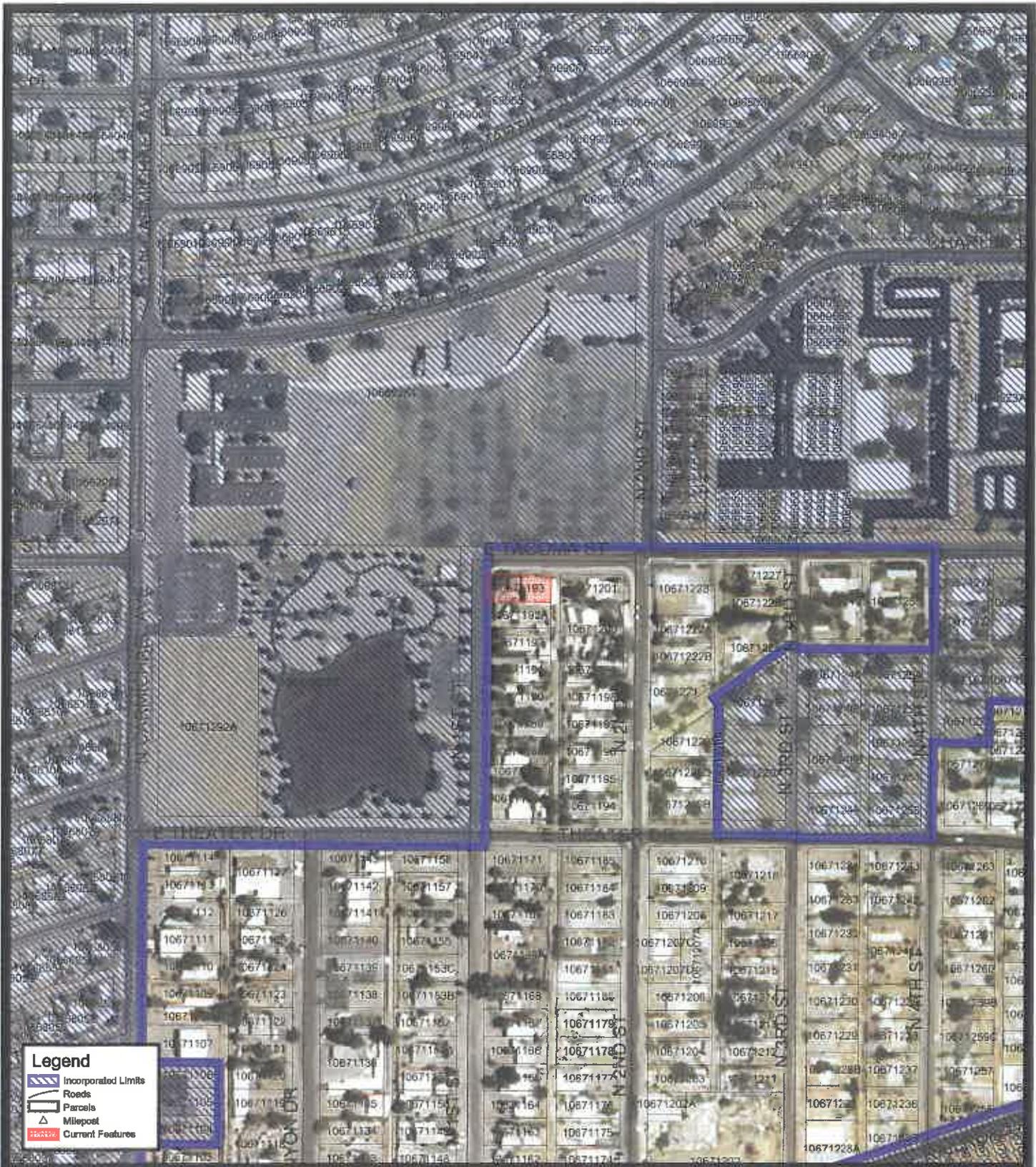
SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature K. Michael Rutherford

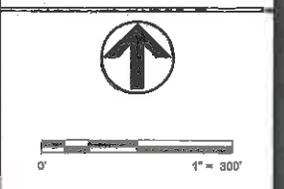
Print Applicant's Name K. MICHAEL RUTHERFORD

Date signed 1-30-15



SU-15-03 Location Map

This map is a product of the
Cochise County GIS
Information Technology Dept.



B 58





**Cochise County
Community Development
Highway and Floodplain Division**

Public Programs...Personal Service
www.cochise.az.gov

INTEROFFICE MEMO

Date: February 18, 2015
To: Peter Gardner, Planner I
From: Pam Hudgins, Right-of-Way Agent II
Subject: Special Use Permit for Cochise Victim Advocacy Center (SU-15-03)

Background:

Lori Rutherford on behalf of Cochise Victim Advocacy Center, requested a Special Use permit to consider Welfare and Charitable at an MH-72, Multiple Household Residential zoned property. The proposed use is considered a Special Use in MH-72 Zoning Districts under Section 1006.01 of the Planning and Zoning Regulations.

The subject parcel, APN 106-71-193 is located at 214 Tacoma Street in Sierra Vista, AZ, within the Fry Townsite. It is further described as being situated in Section 34, Township 21 South, Range 20 East located in Cochise County, AZ. Right-of-Way staff was contacted by planning and zoning to review the permit and provide comments regarding the Right-of-Way dedication needs for county maintained roads.

Analysis:

Access for the subject parcel is from Fry Boulevard, North to 7th Street, West on E. Tacoma Street! Tacoma Street adjoins and serves as the Northerly boundary of said parcel. Tacoma Street is a county maintained (# 999) road and is declared at a total width of 60 feet, 30 feet per centerline of roadway.

Recommendation:

No further right-of-way dedication is required at this time.

Highway and Floodplain
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9337 fax
1-800-752-3745
highway@cochise.az.gov
floodplain@cochise.az.gov

Planning, Zoning and Building Safety
1415 Melody Lane, Building E
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
1-877-777-7958
planningandzoning@cochise.az.gov

C 60



***Cochise County Planning Department &
Fry Fire District***

**Joint Project Review Approval for Commercial Permits &
Subdivisions.**

Attn:

Date: 2-17-15

Project Name: Cochise Victim Advocacy Center, Mike Rutherford

Project Address: 214 E. Tacoma

Project Tax ID #: 106-71-193

Scope of Project: _____
Special Use Request _____

- APPROVED
- APPROVED with CONDITIONS
- DENIED
- APPROVAL NOT REQUIRED
- FRY FIRE FEES PAID

Remarks:

The Fry Fire District has no concerns in regards to the special use request.
The project will have to conform to fire code requirements during the permit phase.
Thank you,

Fire Prevention Officer: Mike McKearney (520) 439-2239

Fry Fire District
Attention: Fire Prevention Office
4817 Apache AVE
Sierra Vista, AZ. 85650

C 61

Lori Rutherford

From: Marti Fenn <fenn152@cox.net>
Sent: Saturday, December 06, 2014 5:06 PM
To: prwr1@cox.net
Subject: Advocacy Center

Hello Lori Rutherford,

I received your letter regarding your attempt to turn the sign place on Tacoma into an advocacy center. You stated that you will have nothing to do with drugs or alcohol, nor assist the homeless, but for a place for adults and children to go to be evaluated. I would think that would pertain to those mentioned earlier. I'm confused and would like to know more about it.

I think I could like what sounds like a cleanup of the property and hope that you would keep it up afterwards as that hasn't been done in years.

I appreciate making we residence aware of the change, but I don't see anything about the impact on the community members. It sounds like we might have more people making their way into the area. For the most part, this area is pretty quiet. I am wondering what your business will do to that. I would be interested in knowing more about what will be happening on my street.

Thank you.

Marti Fenn
308 N 2nd Street
520-249-9011

*This letter was followed with a phone call to explain the purpose & functions of an Advocacy Center, impact if any on neighborhood. Mrs. Fenn expressed satisfaction with explanation
Lori Rutherford*

Lori Rutherford

From: Gayle Olson <g_olson@cox.net>
Sent: Saturday, December 06, 2014 8:06 PM
To: prwir1@cox.net
Subject: Advocacy Center

Mrs. Rutherford,

Welcome to the neighborhood! It sounds like you will be making it better to me.

Sincerely,

Gayle Olson

Lori Rutherford

From: ruthnski@aol.com
Sent: Saturday, December 06, 2014 8:04 PM
To: prwlr1@cox.net
Subject: Re: Tacoma change

Seems like a good use and an improvement for that community. We have no objections.

Ruth and Paul Neleski



**Cochise County
Community Development
Highway and Floodplain Division**

Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner I
FOR: Beverly J. Wilson, Planning Director *(bwr)*
SUBJECT: Docket Z-15-01 (George)
DATE: February 26, 2015 for the March 11, 2015 Meeting

APPLICATION FOR A REZONING

The Applicant has requested a rezoning from R-36 (Residential, one dwelling per 36,000-square feet) to GB (General Business). The subject parcel is approximately 0.65-acres in size. The rezoning is to facilitate the construction of a Retail Establishment. The subject parcel, 104-06-002K is located on E. Cactus Lane off of Highway 92 in Hereford, AZ. The Applicant is the George Family Irrevocable Trust.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

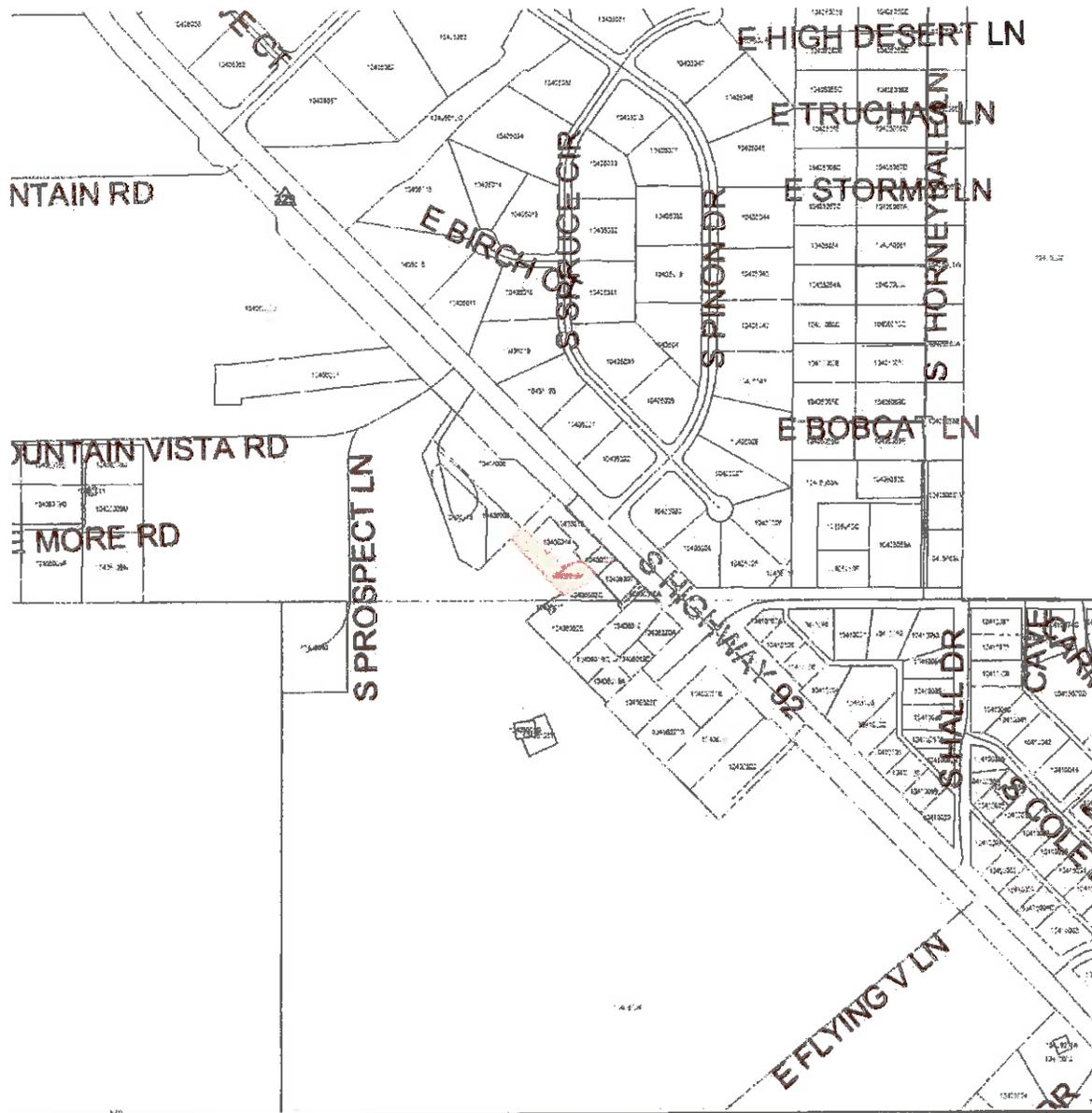
Parcel Size: 0.65 Acres
 Zoning: R-36 (Residential, one dwelling per 36,000-square feet)
 Growth Area: Community Growth Area
 Comprehensive Plan Designation: B-Developing
 Area Plan: None
 Existing Uses: Single Family Residential
 Proposed Uses: Retail Sales

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Vacant
South	R-36	Vacant/Single Family Dwelling
East	GB/R-36	Restaurant/Wrecked Commercial
West	R-36	Grazing Land

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov



Above: Location Map

II. PARCEL HISTORY

- 1970 – Single Family Dwelling Constructed
- 2005 – Permit to remodel Dwelling issued

III. NATURE OF REQUEST

The Applicant is requesting a change of zoning from R-36 (Residential, one dwelling per 36,000) to GB (General Business) to combine with two adjacent parcels to be developed as a Retail Sales land use. The structure and parking would be on the forward two parcels, which are currently zoned GB, and the septic system will be located on the subject parcel.



Above: View of the site.

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

The subject property lies within a Category B–Developing. Section 402 of the Zoning Regulations allows owners of property lying within Developing areas to seek a GB zoning.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides a list of fifteen factors with which to evaluate Rezoning applications. Staff uses these factors to help determine the suitability of a given request, whether to recommend approval for a rezoning, as well as to determine what Conditions and/or Modifications may be needed.

Thirteen of the fifteen factors apply to this request. The project, complies with each of those thirteen factors. The two remaining factors are not applicable to this application.

1. Provides an Adequate Land Use/Concept Plan: Complies

The Applicant has provided a complete site plan showing the subject parcel and adjoining parcels to be used in the development.

2. Compliance with the Applicable Site Development Standards: Complies

The property meets all site development standards in the GB zoning district.

3. Adjacent Districts Remain Capable of Development: Complies

The proposed rezoning would not affect the development prospects of any neighboring property. The proposed land use will require screening from adjacent residentially zoned and developed parcels.

4. Limitation on Creation of Nonconforming Uses: Complies

The proposal would not create any non-conforming land uses. The existing single family residence is permitted in GB zoning districts, without any of the typical residential protections against commercial impacts.

5. Compatibility with Existing Development: Complies

The area is characterized by mixed commercial and residential development.

6. Rezoning to More Intense Districts: Complies

This is an extension of the existing GB zoning currently present in the area, and these parcels previously held commercial uses prior to the Monument Fire.

7. Adequate Services and Infrastructure: Complies

The site is currently developed and served by all necessary infrastructure.

8. Traffic Circulation Criteria: Complies

The site takes access from a commercial street connecting directly to Highway 92.

9. Development Along Major Streets: Not Applicable

No new access to a collector or arterial road is proposed. The current access is an existing frontage road to Highway 92.

10. Infill: Complies

This Factor encourages GB zoning in areas that are already zoned GB and have existing commercial development. This area hosts multiple GB zonings, and is home to several restaurants.

11. Unique Topographic Features: Complies

There are no exceptional topographic features warranting consideration on or near the site.

12. Water Conservation: Complies

The site lies within the Sierra Vista Sub Watershed, and will comply with all appropriate water conservation measures mandated by the zoning regulations.

13. Public Input: Complies

The Applicant completed the Citizen Review process, and received no response. Staff posted the property on February 23, 2015, and published a legal notice in the Bisbee Observer on February 19, 2015. The Department also mailed notices to property owners within 300-feet of the site. To date, staff has not received any statements for or against the request.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed as part of the future residential development plan.

15. Compliance with Adopted Plans: Complies

The request complies with the Comprehensive Plan's policies regarding siting of commercial development, being located along a state highway and adjacent to existing commercial zoning and development.

V. MODIFICATIONS TO DEVELOPMENT STANDARDS

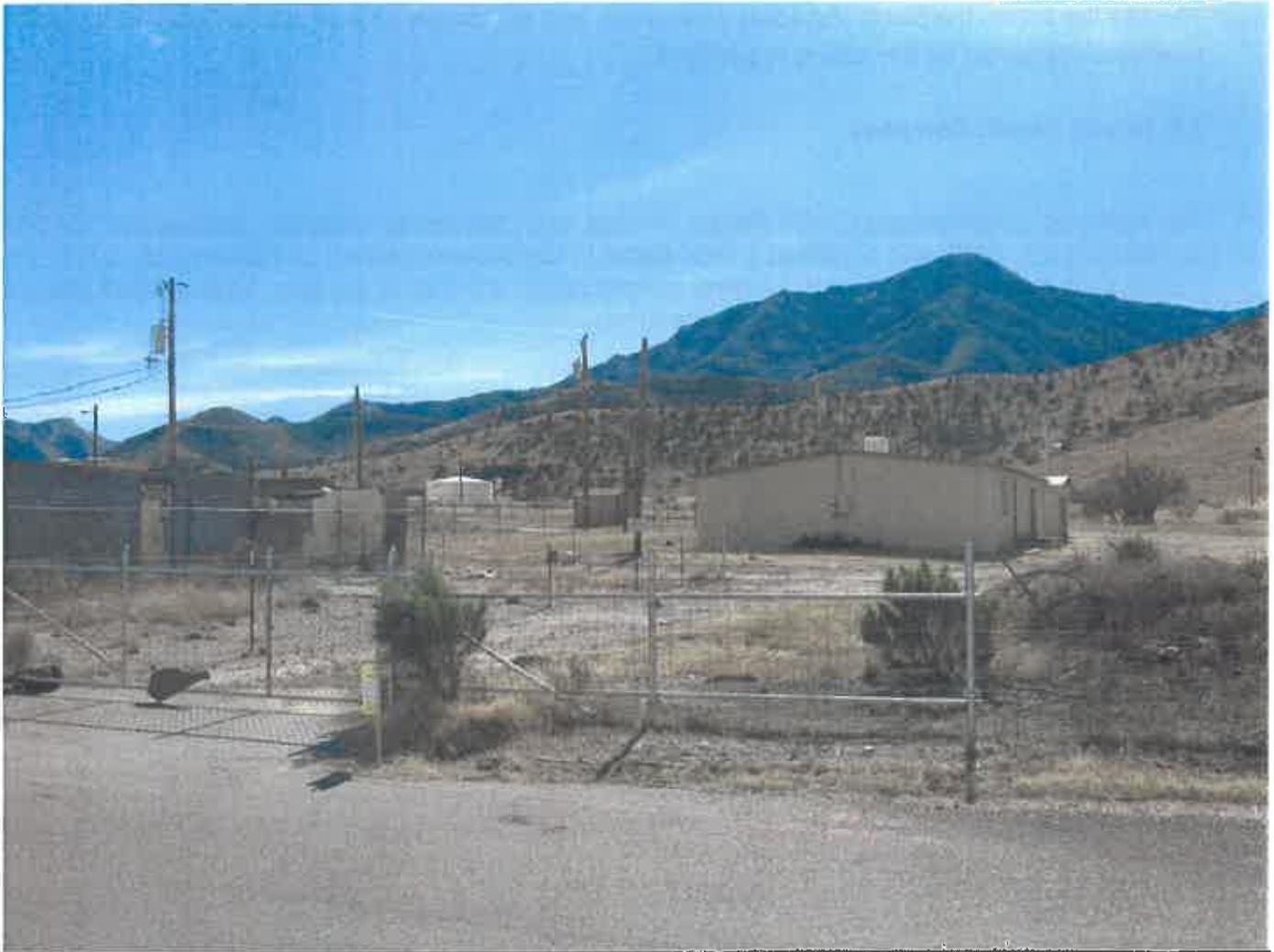
None required or requested.

VI. PUBLIC COMMENT

The Planning Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on February 23, 2015 and published a legal notice in the *Bisbee Observer* on February 19, 2015. In response to applicant and County mailings, the Planning Department received no letters supporting or opposing this request.

VII. SUMMARY AND CONCLUSION

This request is for a rezoning of one parcel to General Business to facilitate combining with two additional parcels currently zoned GB to permit the construction of a Retail Sales establishment. The site is located on a commercial corner, and was home to Nick's Place, a local landmark establishment until its destruction in the Monument Fire. The request would be in line with the existing development, as noted by the Planning and Zoning Commission in the late 1970's when, on their own initiative, the Commission rezoned several of the other properties in the area from R-36 to GB based on the actual commercial uses of the property. This parcel was never captured in any of those revisions.



Above: View of the site, including existing residence on subject parcel and wrecked commercial structure.

Factors in Favor of Approving the Special Use

1. The request complies with each of the thirteen applicable Rezoning factors used by staff to analyze this request;
2. The Cochise County Comprehensive Plan encourages the clustering of commercial development with similar development and along major roadways;
3. The request would bring the zoning of the site into line with the surrounding area based on actual land use; and
4. No letters in opposition have been received.

Factors Against Allowing the Special Use

None apparent.

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the docket to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and

2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

Sample Motion: *Mr. Chairman, I move to forward Docket Z-15-03 to the Board of Supervisors with a recommendation of Approval, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

IX. ATTACHMENTS

- A. Application
- B. Parcel map and aerial
- C. Concept Plan



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Development Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: George Family Irrevocable Trust

2. Mailing Address: PO Box 219

Hereford Az 85615
City State Zip Code

3. Telephone Number of Applicant: 520 378-7128

4. Telephone Number of Contact Person if Different: ()

5. Email Address: georgekarol1@gmail.com

6. Assessor's Tax Parcel Number: 104-09 ~~0017~~ ^{06-002K} 4 (Can be obtained from your County property tax statement)

7. Applicant is (check one):
- Sole owner: _____
 - Joint Owner: _____ (See number 8)
 - Designated Agent of Owner: _____
 - If not one of the above, explain interest in rezoning: _____

7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:
 List attached (if applicable): _____

8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:
- If corporation, corporate resolution designating applicant to act as agent: _____
 - If partnership, written authorization from partner: _____
 - If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

A72

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: _____
- Copy of title report: _____
- Copy of tax notice: _____
- Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes _____ No

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes _____ No

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: R-36

14. Indicate proposed Zoning District for Property: Commercial GB

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: B (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: Develop (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: Storage building & 2 car garage

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: _____

Attached - Site Plan.

19. Are there any deed restrictions or private covenants in effect for this property?

- No Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____
- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

Hwy 92 - see site plan.

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? _____

Hwy 92

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? Hwy 92 - curb cut already in.

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Liberty	
Sewer/Septic	see site plan	
Electricity	SSVEC	
Natural Gas	NONE	
Telephone	Century	
Fire Protection	Fry	

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed).

See Attached Site Plan.

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: _____


KAROL GEORGE

Date: 12-16-14



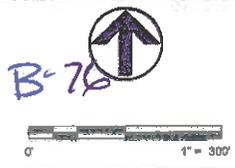
Legend

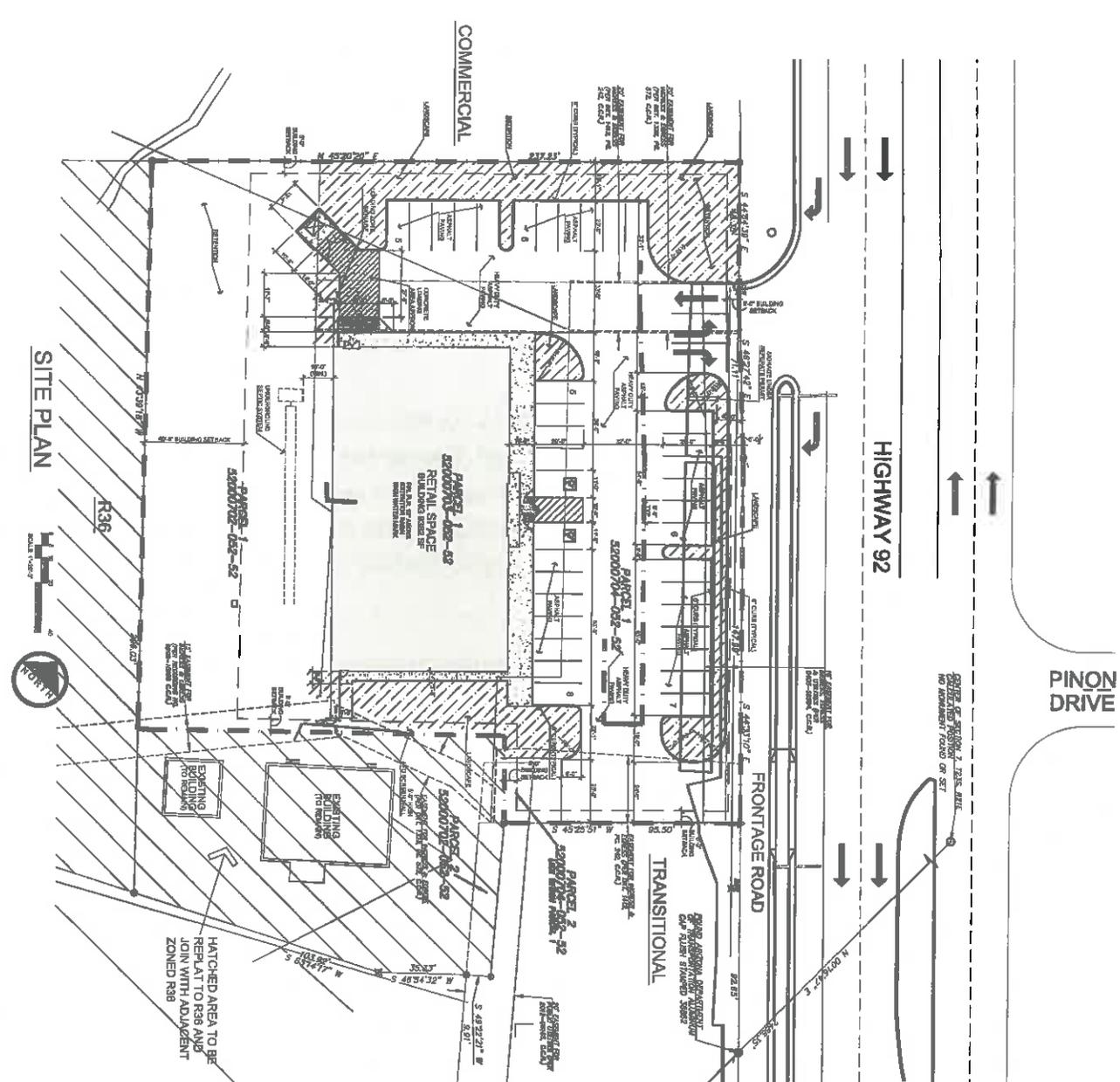
- Roads
- Parcels
- Milepost
- Current Features



Z-15-01 (George) Location Map

This map is a product of the
Cochise County GIS
Information Technology Dept.





PROJECT INFORMATION

OWNER: BRUSETTE ARCHITECTURE INC., 1000 N. CENTRAL AVENUE, SUITE 100, PHOENIX, AZ 85004
ARCHITECT: BRUSETTE ARCHITECTURE INC., 1000 N. CENTRAL AVENUE, SUITE 100, PHOENIX, AZ 85004
DATE: 12/15/2017
PROJECT NO.: A-101

GENERAL NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE BUILDING UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE UNLESS OTHERWISE NOTED.
 8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE SIDEWALK UNLESS OTHERWISE NOTED.
 9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CURB UNLESS OTHERWISE NOTED.
 10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PAVEMENT UNLESS OTHERWISE NOTED.
 11. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE GRADE UNLESS OTHERWISE NOTED.
 12. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE FINISHED GRADE UNLESS OTHERWISE NOTED.
 13. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PROPOSED GRADE UNLESS OTHERWISE NOTED.
 14. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE EXISTING GRADE UNLESS OTHERWISE NOTED.
 15. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PROPOSED GRADE UNLESS OTHERWISE NOTED.
 16. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE EXISTING GRADE UNLESS OTHERWISE NOTED.
 17. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PROPOSED GRADE UNLESS OTHERWISE NOTED.
 18. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE EXISTING GRADE UNLESS OTHERWISE NOTED.
 19. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE PROPOSED GRADE UNLESS OTHERWISE NOTED.
 20. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE EXISTING GRADE UNLESS OTHERWISE NOTED.

BRUSETTE ARCHITECTURE INC.
 1000 N. CENTRAL AVENUE, SUITE 100
 PHOENIX, AZ 85004
 TEL: 602.441.1111
 WWW.BRUSETTEARCHITECTURE.COM

HEREFORD RETAIL
 SIERRA VISTA SOUTH, HEREFORD, ARIZONA

SITE PLAN
 PRELIMINARY
 NOT FOR
 CONSTRUCTION

C-77



**Cochise County
Community Development
Highway and Floodplain Division**

Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner I
FOR: Beverly J. Wilson, Planning Director
SUBJECT: Docket Z-15-02 (Blake)
DATE: February 26, 2015 for the March 11, 2015 Meeting

APPLICATION FOR A REZONING

The Applicant has requested a rezoning from SR-43 (Single-Household Residential, one dwelling per 43,560-square feet) to SR-174 (Single-Household Residential, one dwelling per 4-acres). The subject parcels total approximately 14.18-acres in size. The rezoning is to facilitate the use of the Owner-Builder Opt-Out Amendment for remodel permits. The subject parcels, 117-06-161A, -165, -072A, -177, -178, -179, & -180, are located along S. Cochise Stronghold Road in Pearce, AZ. The Applicant is Linda S. Blake.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 14.18 Acres
 Zoning: SR-43 (Single Family Residential, one dwelling per acre)
 Growth Area: Rural
 Comprehensive Plan Designation: D-Medium Density Residential
 Area Plan: Mid Sulphur Springs Valley Area Plan
 Existing Uses: Single Family Residential
 Proposed Uses: Same

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-43	Vacant
South	SR-43	Vacant
East	SR-43	Vacant
West	RU-4	National Forest/Vacant

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov



Above: Location map. Dark red area is the home site, lighter red indicates all parcels.

II. PARCEL HISTORY

1996 – Permit issued to construct home and accessory structures

III. NATURE OF REQUEST

The Applicant is requesting a change of zoning from SR-43 (Single Family Residential, one dwelling per acre) to SR-174 (Single Family Residential, one dwelling per four acres) to allow utilization of the Owner Builder Opt-Out Amendment for remodel permits.

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

The subject property lies within a Category D–Rural Area. Section 402 of the Zoning Regulations allows owners of property lying within Rural areas to seek an SR-174 zoning. Downzonings such as this are encouraged in the Rural Areas as well.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides a list of fifteen factors with which to evaluate Rezoning applications. Staff uses these factors to help determine the suitability of a given request, whether to recommend approval for a rezoning, as well as to determine what Conditions and/or Modifications may be needed.

Ten of the fifteen factors apply to this request. The project, complies with nine those ten factors. The five remaining factors are not applicable to this application.

1. Provides an Adequate Land Use/Concept Plan: Not applicable

The request is not connected to any new construction. The rezoning is requested for the purpose of applying for an Owner Builder Opt-Out remodel permit.

2. Compliance with the Applicable Site Development Standards: Complies

The property meets all site development standards in the SR-174 zoning district. Other than minimum site area, there are no changes to site development standards from SR-43 to SR-174.

3. Adjacent Districts Remain Capable of Development: Complies

The proposed rezoning would not affect the development prospects of any neighboring property.

4. Limitation on Creation of Nonconforming Uses: Complies

The proposal would not create any non-conforming land uses.

5. Compatibility with Existing Development: Complies

The area is characterized by scattered Rural development. All homes are located on parcels larger than one-acre.

6. Rezoning to More Intense Districts: Not Applicable

This is a downzoning from one dwelling per acre to one dwelling per four-acres.

7. Adequate Services and Infrastructure: Complies

The site is currently developed and served by all necessary infrastructure. No changes are being proposed to the site.

8. Traffic Circulation Criteria: Complies

No new construction is proposed.

9. Development Along Major Streets: Not Applicable

The site takes access from minor, non county-maintained roads.

10. Infill: Not Applicable

This Factor applies only for rezoning requests to GB, LI or HI.

11. Unique Topographic Features: Complies

There are no exceptional topographic features warranting consideration on or near the site.

12. Water Conservation: Complies

There is no new major construction proposed. In addition, this downzone would limit potential development of the site to three homes from the 14 currently allowed.

13. Public Input: Complies

The Applicant was not required to complete the Citizen Review process, as the request is a decrease in intensity. Staff posted the property on February 23, 2015, and published a legal notice in the Bisbee Observer on February 19, 2015. The Department also mailed notices to property owners within 1,500-feet of the site. To date, staff has not received any statements for or against the request.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed as part of the future residential development plan.

15. Compliance with Area Plan: Does not comply

The subject property lies within the Mid-Sulphur Springs Valley Plan. In the Area Plan, this parcel is designated as Medium Density Residential, which the plan defines as lot sizes of 12,000-square feet to two-acres. While the proposed zoning does not match this designation, it does match the actual pattern of development in the area, where all existing homes sit on four or more acres. In addition, the subject site directly abuts the National Forest.



Above: Blake Residence

V. MODIFICATIONS TO DEVELOPMENT STANDARDS

None required or requested.

VI. PUBLIC COMMENT

The Planning Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on February 23, 2015 and published a legal notice in the *Bisbee Observer* on February 19, 2015. In response to applicant and County mailings, the Planning Department received no letters supporting or opposing this request.

VII. SUMMARY AND CONCLUSION

This request is for a rezoning to lower the maximum density of the site from one home per acre to one home per four acres. While the request does not comply to the letter of the Mid-Sulphur Springs Valley Plan, Staff feels that the request complies with the ultimate intent of the Plan, as well as with the conditions on the ground.

Factors in Favor of Approving the Special Use

1. The request complies with nine of the ten applicable Rezoning factors used by staff to analyze this request;
2. Cochise County encourages downzoning of Rural properties with high permitted densities to protect Rural Character; and
3. No letters in opposition have been received.

Factor Against Allowing the Special Use

1. The request does not comply with one of the ten applicable Rezoning factors used by Staff to analyze this request.

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the docket to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

Sample Motion: *Mr. Chairman, I move to forward Docket Z-15-02 to the Board of Supervisors with a recommendation of Approval, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

IX. ATTACHMENTS

- A. Application
- B. Parcel map and aerial
- C. Site Plan



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs... Personal Service"

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Development Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: Linda S. Blake

2. Mailing Address: PO Box 346

Pearce AZ 85625

City State Zip Code

3. Telephone Number of Applicant: () 520-826-2022

4. Telephone Number of Contact Person if Different: () Cell: 702-561-3634

5. Email Address: harley85625@gmail.com

6. Assessor's Tax Parcel Number: 117- 06 - 161A (Can be obtained from your County property tax statement) 117-06-165, 117-06-072A, 117-06-177/178/179/180

7. Applicant is (check one):

- Sole owner: _____
- Joint Owner: X (See number 8)
- Designated Agent of Owner: _____
- If not one of the above, explain interest in rezoning: _____

7. If applicant is not sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:

- List attached (if applicable): James R. Blake (husband)

8. If applicant is not sole owner, indicate which **notarized** proof of agency is attached:

- If corporation, corporate resolution designating applicant to act as agent: _____
- If partnership, written authorization from partner: _____
- If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

SEE SCHEDULE A (Page 6 of 7)

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: _____
- Copy of title report: X
- Copy of tax notice: _____
- Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes _____ No X

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes X No _____

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: 2R

14. Indicate proposed Zoning District for Property: RU4

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: D (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: MDR (A County planner can provide this information.)

*Medium Density Residential
per Sensitive Area Plan*

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: _____

House, garage, workshop, pump house

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: _____

Extension of Arizona Room approximately 324 sq. ft.

19. Are there any deed restrictions or private covenants in effect for this property?

- No X Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____
- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

 Coshise Stronghold Rd. South, Yale Street

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? None

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? None

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	N/A	
Sewer/Septic	N/A	
Electricity	Sulpher Valley	
Natural Gas	N/A	
Telephone	N/A	
Fire Protection	Sunsites-Pearce Fire Dist.	

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed). _____

 This are is very unpopulated and should remain a dense area. I would like to be
 able to pull an owner/builder permit when making any additions or improvements to
 my property and the current zoning does not allow that.

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: _____

Date: _____

CONSENT SIGNATURE FORM

OF PROPERTY OWNERS WITHIN THE PROPOSED ZONING DISTRICT

This form is to be completed if there is more than one property owner and more than one parcel within the proposed zoning district.

I, the undersigned owner of record of property which lies within the area of the proposed rezoning set forth in the attached application, do hereby consent to the proposed change of zoning district boundary or reclassification of the property(ies) sought for rezoning. I do hereby certify and declare that I was afforded an opportunity to read the full and complete application prior to affixing by signature hereon.

Parcel Number	Owner of Record, Printed Name & Address	Signature	Date
117-06-161A	Linda S. & James R. Blake 894 Yale St., Pearce, AZ 85625		01-21-15
117-06-165	"		"
117-06-072A	"		"
117-06-177/178/179/180	"		"

(Attach separate pages if necessary)

Old Republic National Title Insurance Company - issued by
Pioneer Title Agency, Inc.

SCHEDULE A

File No: 00960393-KSL

Policy No: OX 08279625

Reference No. 0314337924

Amount of Insurance: \$217,000.00

Premium: 1,030.00

Date of Policy: December 29, 2010 at 4:00 p.m.

Rate Code: 2.1.1

1. Name of Insured:

Linda S. Blake and James R. Blake, wife and husband

2. The estate or interest in the Land that is insured by this policy is:

Fee

3. Title is vested in:

Linda S. Blake and James R. Blake, wife and husband, as joint tenants with right of survivorship

4. The Land referred to in this policy is located in Cochise County, Arizona, and is described as follows:

See Exhibit A attached hereto and made a part hereof

Exhibit A

PARCEL I:

Lots 7, 8, 9 and 10, Block 318, ARIZONA SUN SITES, UNIT 2, according to Book 4 of Maps, page 47, records of Cochise County, Arizona; and

Lots 7, 8, 9 and 10, Block 324, ARIZONA SUN SITES, UNIT 2, according to Book 4 of Maps, page 47, records of Cochise County, Arizona; and

Lots 7, 8, 9 and 10, Block 325, ARIZONA SUN SITES, UNIT 2, according to Book 4 of Maps, page 47, records of Cochise County, Arizona;

EXCEPT an undivided one-half interest in and to the oil, gas and mineral rights as reserved in Docket 60, page 297, records of Cochise County, Arizona; and

EXCEPT to Lot 8, Block 318, all oil, gas and mineral rights as reserved in Deed recorded in Docket 365, page 50, records of Cochise County, Arizona.

PARCEL II:

Lot 11, Block 324, ARIZONA SUN SITES, UNIT 2, according to Book 4 of Maps, page 47, records of Cochise County, Arizona; and

EXCEPT an undivided one-half interest in and to the oil, gas and mineral rights as reserved in Docket 60, page 297, records of Cochise County, Arizona.

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: Junda A. Blake

Date: 1.21.15

CONSENT SIGNATURE FORM

OF PROPERTY OWNERS WITHIN THE PROPOSED ZONING DISTRICT

This form is to be completed if there is more than one property owner and more than one parcel within the proposed zoning district.

I, the undersigned owner of record of property which lies within the area of the proposed rezoning set forth in the attached application, do hereby consent to the proposed change of zoning district boundary or reclassification of the property(ies) sought for rezoning. I do hereby certify and declare that I was afforded an opportunity to read the full and complete application prior to affixing by signature hereon.

Parcel Number	Owner of Record, Printed Name & Address	Signature	Date
117-06-161A	Linda S. & James R. Blake 894 Yale St., Pearce, AZ 85625	<i>Linda S. Blake</i> <i>James R. Blake</i>	01-21-15
117-06-165	"	<i>Linda S. Blake</i> <i>James R. Blake</i>	"
117-06-072A	"	<i>Linda S. Blake</i> <i>James R. Blake</i>	"
117-06-177/178/179/180	"	<i>Linda S. Blake</i> <i>James R. Blake</i>	"

(Attach separate pages if necessary)

A 92

SUBJECT PARCEL 117-06-162

COCHISE STROUCHLAND ROAD

APPROVED

COCHISE COUNTY PLANNING DEPARTMENT

FOR:

SEW/GARAGE (3160#)

SEPTIC

MASTER PERMIT NO.: 960670

DATE OF ISSUANCE: 6/19/96

SIGNATURE OF PERMIT COORDINATOR: [Signature]

117-06-162

Shirley F. Roby, Clerk
 Planning Department, 3225 S. 82nd St., Phoenix, AZ 85018
 Phone: 352-3003

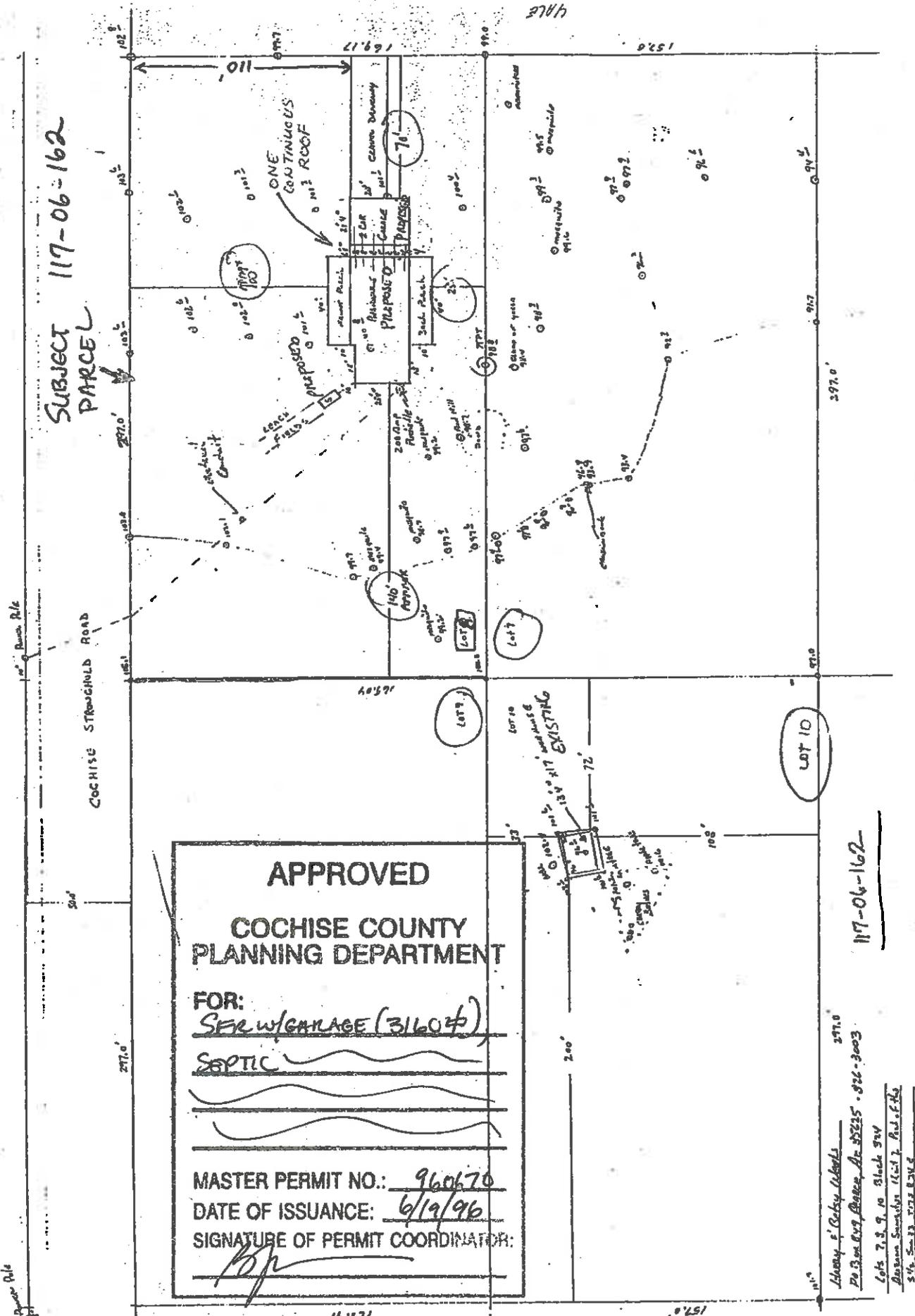
Lots 7, 8, 9, 10 Block 574
 Phoenix Subdivision (1917) P.D. 574
 S.W. 1/4 Sec. 13, T12N, R10E

C.M. 17,000'

If any changes need to be made to this approved site plan due to conflicting requirements from any other County department, this site plan must be re-approved by the Planning Department BEFORE any construction begins.

ZIN/11A

C 94





Cochise County
Community Development
 Planning, Zoning and Building Safety Division
Public Programs...Personal Service
 www.cochise.az.gov

TO: Cochise County Planning and Zoning Commission
FROM: Jesse Drake, Planner II
 For: Beverly J Wilson, Planning Director *(Signature)*
DATE: March 2, 2015 for the March 11, 2015 Meeting
SUBJECT: S-05-05 (La Marquesa) Tentative Plat Extension request

I. REQUEST FOR TENTATIVE PLAT EXTENSION

This request is for approval of an additional one-year time extension for the La Marquesa Subdivision Tentative Plat that was originally approved by the Board of Supervisors on February, 5, 2007. The current Tentative Plat extension expired on February 5, 2015. The developer is Mr. Patrick Kirk and the Project Engineer is Mr. Blaine Reely of Monsoon Consultants in Tucson.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Subdivision Size: 317.00 Acres
 Zoning: RU-4 (Rural, minimum lot size 4 acres)
 Growth Area: D-Rural
 Comprehensive Plan Designation: D-Rural
 Area Plan: None
 Existing Uses: Vacant 103-lot subdivision
 Type of Subdivision: Residential Conservation Subdivision
 Flood Zone: X

Relation to Subject Subdivision	Zoning District	Use of Property
North	RU-4	Vacant
South	RU-4	Low Density Residential & Vacant
East	RU-4	Vacant
West	RU-4	Low Density Residential & Vacant

III. SUBDIVISION HISTORY

February 5, 2007 - Board of Supervisors approves the La Marquesa Tentative Plat (two year approval).
 2009 - 1st approval expires; developer receives a one-year administrative extension to 2/5/10.
 Jan 2010 – 1st extension expires; Planning and Zoning Commission approves extension to 2/5/11.
 Dec. 2010 – 2nd extension due to expire, Commission approves extension to 2/5/12; request for waiver of water company service requirement denied.

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

March 2012 – 3rd extension expires, Commission approves extension to 2/5/13; request for waiver of water company service requirement denied.

Feb. 2013 – 4th extension expires, Commission approves extension to 2/5/14.

March 2014 – 5th extension expires, Commission approves extension to 2/5/15.

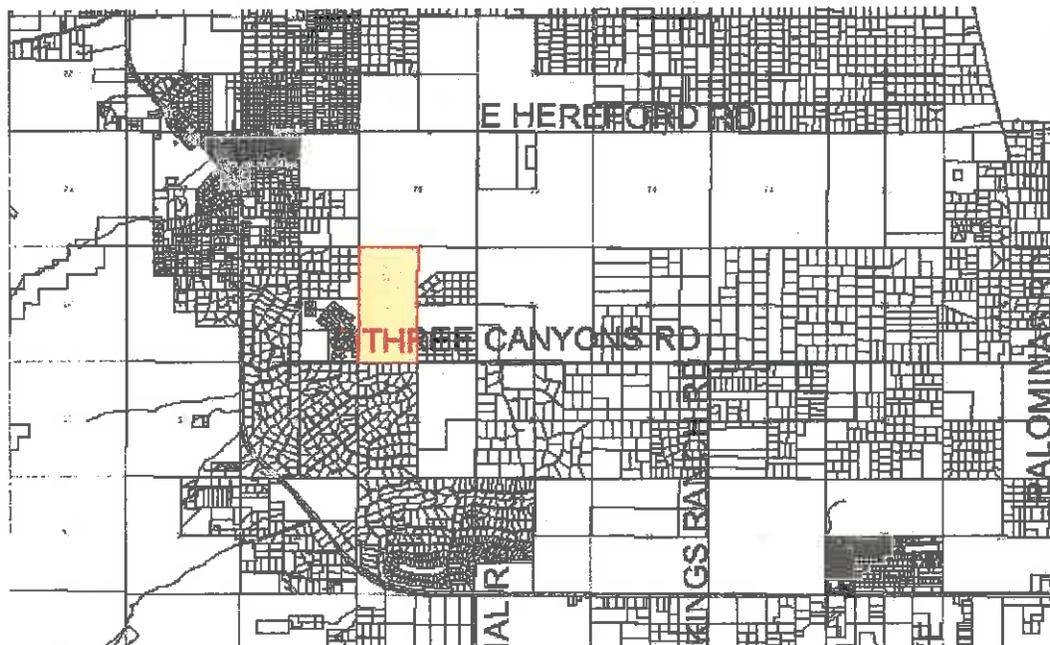
Feb. 2015 – 6th extension expires; applicant is requesting a one-year extension.

IV. NATURE OF REQUEST

La Marquesa subdivision is a 103-lot Residential Conservation subdivision located on 317 acres, zoned RU-4 (Rural; one dwelling unit per 4 acres). The parcel, 104-01-011R, is located on the north side of Three Canyons Road in Hereford, approximately one mile east of Highway 92.



Aerial



Location Map

Tentative Plat approval by the Board of Supervisors gives the developer two years to complete a Final Plat. After the original Tentative Plat approval expires, an applicant may request one year extensions,

the first of which may be granted administratively. After the initial administrative extension, subsequent extensions must be approved by the Planning and Zoning Commission.

The La Marquesa subdivision Tentative Plat was given conditional approval February 5, 2007 by the Board of Supervisors and granted six subsequent extensions. Each of these Tentative Plat extensions required that the conditions of approval would remain as granted in the original 2007 approval. Should the Commission grant the current request; staff would again recommend that these conditions carry forward. The conditions are:

1. The Final plat shall be in substantial conformance with the tentative plat and meet all the requirements for final platting as stipulated in the current Cochise County Subdivision Regulations; and the original conditions as approved which are copied below for your convenience.
2. Prior to final plat approval:
 - a. A note on the plat indicating required maintenance of drainage structures by the Homeowners Association.
 - b. The final plat should include proper recording information for Silver Concho Way and Three Canyons Road.
 - c. The final plat should depict the location of fire hydrants every 1000'.
 - d. The easements for riprap at drainage structure outlets should be clearly labeled to show purpose.
 - e. Legal description should be revised to fix discrepancy in the description of east line of the subdivision's boundary which does not go to the mid-section line.
 - f. Per Rural Addressing, the street names S Alta Mira LN and S Aragon CT will be reversed on the plat.
 - g. Applicant must secure a determination of water adequacy from ADWR.
 - h. An approved and legal conservation easement document shall be completed and recorded with the final plat.
 - i. Improvement plans shall be substantially approved and should include all traffic signs, including the required warning sign, per H&F variance approval, for affected curves.

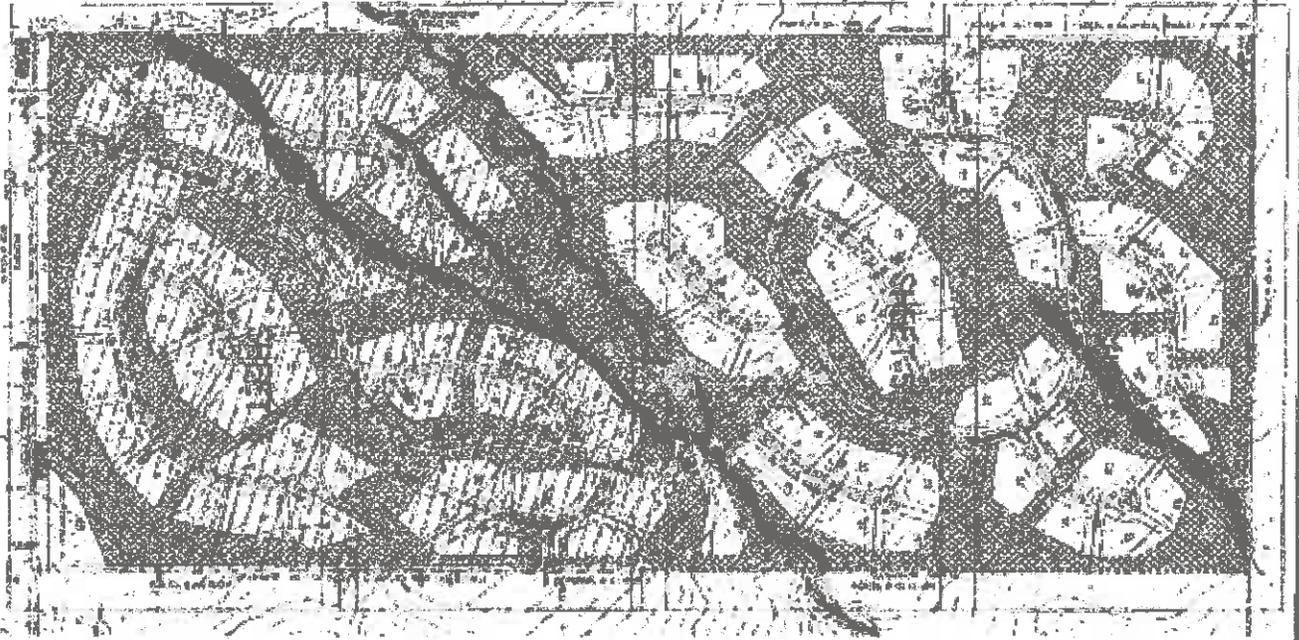
IV. RECOMMENDATION

Staff recommends conditional approval of the one-year extension for the La Marquesa subdivision Tentative Plat, to expire on February 5, 2016; the conditions to be the same as for the original Tentative Plat approval on February 5, 2007.

Sample Motion: *Mr. Chairman, I move to conditionally approve Docket S-05-05, a one-year extension for the La Marquesa Subdivision Tentative Plat, to expire on February 5, 2016; with conditions to be the same as for the original Tentative Plat approval on February 5, 2007.*

IV. ATTACHMENTS

- A. La Marquesa Subdivision Tentative Plat Sheet 1
- B. Extension Request

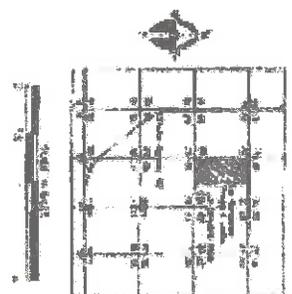


GENERAL NOTES

1. THE SITE PLAN IS BASED ON THE 1998 AERIAL PHOTOGRAPHY AND THE 1998 SURVEY DATA. THE EXISTING CONDITIONS ARE SHOWN AS THEY APPEAR IN THE PHOTOGRAPHY AND SURVEY DATA. THE PROPOSED CONDITIONS ARE SHOWN AS THEY APPEAR IN THE ARCHITECTURAL DRAWINGS.
2. THE PROPOSED CONDITIONS ARE SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE DEPARTMENT OF TRANSPORTATION. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE SURVEY DATA OR THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE DEPARTMENT OF TRANSPORTATION.
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A-98



DEVELOPER AND OWNER
MOUNTAIN VIEW
10000 N. MOUNTAIN VIEW
TUCSON, AZ 85712

Gardner, Peter

From: Patrick Kirk [patrickkirk10@gmail.com]
Sent: Tuesday, January 13, 2015 11:07 AM
To: Gardner, Peter
Subject: La Marquesa Extension

Hi Peter.

Per our conversation this morning, I would like to go in front of the commission to ask for another year extension on the tentative plat for La Marquesa. I would request to go in front of the commission on February 11.

Thanks for the help
Patrick

