



Cochise County Planning Commission

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

Regular Meeting
March 13, 2013
4:00 p.m.

AGENDA

- 1. 4:00 P.M. - CALL TO ORDER**
 - 2. ROLL CALL** (Introduce Commission members, explain quorum and requirements for taking legal action.)
 - 3. APPROVAL OF PREVIOUS MONTH'S MINUTES**
 - 4. NEW BUSINESS**
- Item 1 – (Page 1) Introduce docket and notify the public who the Applicants are.**

PUBLIC HEARING -- Docket Z-13-01 (Yesca): The Applicant, Maria Yesca, seeks to rezone a 12,915 square foot parcel from TR-9 (one dwelling per 9,000 square feet) to MR-1 (one dwelling per 3,600 square feet) for the purpose of completing the conversion of an existing 850 square foot garage into a single-family home on her property. The property is located at 3790 S. Geisler Avenue in Naco.

5. NOT A PUBLIC HEARING -- Work Session: Continued discussion and direction on proposed revisions to the 2008 version of the Cochise County Zoning Regulations. The overall intent of the proposed revisions is to simplify and clarify the regulations; build in more flexibility in the administration of the regulations; and bring the regulations into conformance with revisions in the Cochise County Comprehensive Plan and Arizona Revised Statutes.

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 Planning Manager, Michael Turisk at 520.432.9240. 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 DEPT.
HOURS OF OPERATION**
Monday through Friday
7:30 a.m. to 5:00 p.m.
Phone: 520.432.9240
Fax: 520.432.9278

- 6. CALL TO THE PUBLIC** (Opportunity for members of the public to speak on any item not already on the agenda and for no longer than five minutes). The Planning Commission is prohibited from taking action or engaging in discussion on any item not appearing on the posted agenda.

7. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**
8. **CALL TO COMMISSIONERS ON RECENT MATTERS.**
9. **ADJOURNMENT.**

**COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES**

Wednesday, February 13, 2013

WORK SESSION at 2:30 p.m.

Prior to the Regular Meeting, a Work Session was convened to review the proposed changes to the zoning regulations, and to address questions regarding a Building Code Advisory Board. In attendance were Chairman Lynch; Mr. Cervantes; Ms. Edie; Mr. Martzke; and Ms. Miller. Staff in attendance included Jim Vlahovich, Deputy County Administrator; Karen Riggs, Interim Community Development Director; Beverly Wilson, Deputy Director, Planning Division; Michael Turisk, Planning Manager; Keith Dennis, Planner II; Peter Gardner, Planner I; Dora Flores, Permit and Customer Service Coordinator; and Adam Ambrose, Civil Deputy County Attorney. Members of the Public present were Mike and Helene Jackson. District 1 Supervisor Pat Call was also present. The Work Session was continued until the regular Planning and Zoning Commission meeting on March 13, 2013.

REGULAR MEETING at 4:00 p.m.

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Chair Lynch at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room.

Mr. Lynch 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 there was Tentative Plat Extension which was not a Public Hearing and two Special Use Authorizations on the Agenda. He explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Chair Lynch 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 (Tim Cervantes, Pat Edie, Jim Lynch, Jim Martzke, Carmen Miller, Gary Brauchla, and Liza Weissler) indicated their presence. Staff members present: Beverly Wilson, Deputy Director; Keith Dennis, Planner II; Peter Gardner, Planner I; Adam Ambrose, Civil Deputy County Attorney; Karen Riggs, Interim Community Development Director; Michael Turisk, Planning Manager; Pat Hoefler, Planning Tech.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the January 9, 2013 meeting as presented.

Action: Approve **Moved by:** Mr. Martzke, **Seconded by:** Ms. Edie

Vote: Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 0)

Yes: Mr. Martzke, Ms. Miller, Chair Lynch, Ms. Edie, Ms. Weissler, Mr. Cervantes, Mr. Brauchla

No: 0

Abstain: 0

NEW BUSINESS

Item 1

NOT A PUBLIC HEARING, Docket S-05-05 (La Marquesa Conservation Subdivision Tentative Plat Extension): Mr. Patrick Kirk, Applicant, is requesting approval of an additional one-year time extension for the La Marquesa Subdivision Tentative Plat. The current Tentative Plat extension expired on February 5, 2013. The subdivision includes 103-lots on 317 acres located on the north side of Three Canyons Rd. in Hereford.

Chairman Lynch called for the Planning Director's report. Mr. Dennis presented the docket, explaining the background of the subdivision tentative plat including waivers granted in the past and explained the request for a one year extension and gave staff's recommendation of conditional approval with the maintenance of the existing conditions.

Mr. Lynch noted that he owned land approximately three miles from the proposed site and asked for concerns of conflict of interest. Mr. Ambrose stated that he saw no legal conflict of interest.

Mr. Lynch invited the Applicant to make a statement. Patrick Kirk explained his request, with the aid of a computer presentation. He noted the conditions that had prevented development to this point and explained the situation with sales in neighboring subdivisions. He further explained the situation required to proceed with the subdivision and then invited questions.

Mr. Lynch noted that this item had been considered last year and that little had changed, and then called for the Planning Director's summary and recommendation. Mr. Dennis recommended conditional approval, and Mr. Lynch called for a motion.

Motion: Motioned to approve with conditions the extension of the Tentative Plat

Action: Approve **Moved by:** Mr. Cervantes, **Seconded by:** Mr. Martzke

Vote: Motion passed unanimously (**Summary:** Yes = 7, No = 0, Abstain = 0)

Yes: Mr. Martzke, Ms. Miller, Chair Lynch, Mr. Cervantes, Mr. Brauchla, Ms. Weissler and Ms. Edie.

Item 2

PUBLIC HEARING Docket SU-13-02 (Helfrich): Mr. Lee Helfrich, Applicant, seeks Special Use authorization for a Bed and Breakfast Establishment, to include equestrian-related Outdoor Recreation, per Sections 607.07 and 607.43 of the Zoning Regulations.

The Applicants plan to renovate three existing, detached, one-bedroom buildings for use as B&B rentals for up to six guests, and to use the existing corral and related structures for trail rides and hikes, with the Applicants providing guide services for guests. The subject parcel is located at 6200 N. Cascabel Road, north of Benson.

Chairman Lynch called for the Planning Director's presentation of the Docket. Mr. Dennis delivered the report, illustrating the facts of the case, utilizing photos, maps, and other visual aids. He explained the background of the case and the circumstances surrounding the Special Use authorization. Mr. Dennis explained the historic use of the property and the proposed use. He showed the structures on site and explained how the concept plan utilized them. He also listed the modifications requested by the Applicant, noting that the requested modifications were typical for Rural Special Use authorizations. He explained how the request met the various Special Use factors and then invited questions from the Commission. Ms. Weissler asked where BLM land was located and asked if the Applicant intended to revive any other of the historic uses, particularly shooting activities. Mr. Dennis showed the location of the BLM land and noted that the Applicant did not intend to revive the shooting activities. Ms. Wiessler also asked about the requirement for a permit from BLM regarding using BLM land for commercial use. Mr. Dennis explained that a standard condition was attached to the Special Use requiring that any other permits such as these much be obtained. Mr. Lynch asked for clarification regarding the easement issue on Cascabel Road, which Mr. Dennis provided explaining the Right of Way issues involved.

Mr. Lynch then invited the Applicant to make a statement. Mr. Helfrich explained his proposal and provided clarification regarding Ms. Weissler's questions. He also corrected a minor discrepancy related to the size of one of the structures in the report and expounded on the history of the property. Mr. Helfrich explained that this was to be a quiet site and detailed his efforts with BLM. He then invited questions from the Commission. Ms. Weissler asked Mr. Helfrich if he also intended to be open for day use. Mr. Helfrich replied in the affirmative.

Mr. Lynch opened the Public Hearing. There being no one interested in speaking he closed the Public Hearing and invited Commission discussion. There being none he asked for the Planning Director's summary and recommendation, which Mr. Dennis provided, along with the recommended conditions. Mr. Lynch then called for a motion. Mr. Martzke moved to Approve the Docket with Conditions recommended by Staff. The motion was seconded by Mr. Brauchla. There being no further discussion Mr. Lynch called for a vote and the motion passed unanimously. Mr. Helfrich then noted that the shooting range discussed was actually at the adjoining ranch.

Motion: Motioned to approve with conditions the Special Use authorization for A Bed and Breakfast Establishment to include an Outdoor Recreation component

Action: Approve **Moved by:** Mr. Martzke, **Seconded by:** Mr. Brauchla

Vote: Motion passed unanimously (**Summary:** Yes = 7, No = 0, Abstain = 0)

Yes: Mr. Martzke, Ms. Miller, Chair Lynch, Mr. Cervantes, Mr. Brauchla, Ms. Weissler and Ms. Edie.

Item 3

PUBLIC HEARING Docket SU-13-03 (Verizon): Mr. Ryan Rawson of In Command Communications, on behalf of Verizon Corporation, Applicant, seeks Special Use authorization for a Wireless Communication Tower exceeding 30-feet in height, per Section 607.38 of the Zoning Regulations. The proposed tower would be placed atop Beacon Hill northeast of Douglas. The Applicant intends to replace the existing 40.6-foot wireless tower with a 50-foot self-supported tower. The subject parcel is located at 8377 N. Dangerous Road.

Chairman Lynch called for the Planning Director's presentation of the Docket. Mr. Dennis delivered the report, illustrating the facts of the case, utilizing photos, maps, and other visual aids. He explained the background of the case and the circumstances surrounding the Special Use authorization. Mr. Dennis explained that this tower would replace an existing shorter tower that would then be dismantled and removed. He also explained the issues regarding the site and noted that this installation would improve communication services for the County. Mr. Dennis also explained the modifications requested by the Applicant and provided justification to support the requests. He closed by listing the factors in favor of approval and those against approval and invited questions from the Commission. Ms. Weissler asked about aerial access to the site. Mr. Lynch asked about fencing and anticlimb devices and how they related to the current system. Mr. Dennis responded that the current towers did not have fencing or anticlimb devices installed.

Mr. Lynch then invited the Applicant to make a statement. Ryan Rawson spoke on behalf of the Applicant and expounded on the points Mr. Dennis raised. He then invited questions. There being none Mr. Lynch opened the Public Hearing. There being no one interested in speaking he closed the Public Hearing. After there being no further discussion Mr. Lynch asked for Staff summation and recommendation. Mr. Dennis noted that Staff recommended approval. There being no further questions Mr. Lynch called for a motion. Mr. Martzke moved to conditionally Approve the Docket, and Mr. Cervantes seconded. With no further discussion Mr. Lynch called for a vote and the motion passed unanimously.

Motion: Motioned to approve with conditions the Special Use authorization for a Wireless Communication Tower

Action: Approve **Moved by:** Mr. Martzke, **Seconded by:** Mr. Cervantes

Vote: Motion passed unanimously (**Summary:** Yes = 7, No = 0, Abstain = 0)

Yes: Mr. Martzke, Ms. Miller, Chair Lynch, Mr. Cervantes, Ms. Weissler, Mr. Brauchla, and Ms. Edie.

PLANNING DIRECTOR'S REPORT

Chairman Lynch then called for the Planning Director's report. Deputy Director Beverly Wilson reported that there was one Rezoning docket for the next month. She also noted that Staff was requesting a Work Session to continue review of the proposed Zoning Regulation update after the Regular Meeting.

CALL TO THE PUBLIC

Chair Lynch reminded the Public and Staff about the laws pertaining to "Call to the Public" and then opened the "Call to the Public." Jack Cook spoke about various matters. Chair Lynch closed the "Call to the Public."

CALL TO COMMISSIONERS

Mr. Lynch requested that Staff review maps and place North at the top for clarity.

ADJOURNMENT

Mr. Martzke moved to adjourn, Ms. Weissler seconded, and the meeting was adjourned at 5:55 p.m.



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Keith Dennis, Planner II *KD*
 For: Beverly J. Wilson, Deputy Director Planning Division *bw*

SUBJECT: Docket Z-13-01 (Yesca)

DATE: February 25, 2013, for the March 13, 2013 Meeting

APPLICATION FOR A REZONING

The Applicant seeks to rezone a 12,915-square foot parcel from TR-9 (residential, one dwelling per 9,000-square feet) to MR-1 (Multiple household, one dwelling per 3,600-square feet) for the purpose of completing the conversion of an existing 850-square foot garage into a single-family home on the property. The current TR-9 Zoning designation does not allow two dwellings on this parcel as its size (12,915-square feet) is insufficient.

The property (Parcel #102-57-338) is located at 3790 S. Geisler Avenue in Naco, AZ. The Applicant is Maria Yesca, represented by Ernest Rogers.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Size: 12, 915-square feet
 Zoning: TR-9 (Residential, 1 dwelling per 9,000-square feet)
 Growth Area: Category C (Rural Community Area)
 Area Plan: *Naco Community Plan*
 Comprehensive Plan Designation: High-Density Residential
 Existing Uses: Single Family Residence
 Proposed Uses: Addition of one small single-family dwelling

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-9	Valenzuela Street, Single-Family Residential
South	TR-9	Single-Family Residential
East	TR-9	Giesler Avenue, Naco School
West	GB	Single-Family Residential

II. PARCEL HISTORY

There are three structures on the subject parcel: the principal dwelling, a small outbuilding, and a wood-frame garage. The garage was recently demolished, and construction begun on a second dwelling, atop the concrete pad which served as the floor of the garage.

There are no records for any permits for the structures on the property, which have existed on site since 1942. In November of 2012, staff issued a Stop Work Order, followed by a Zoning Violation, for construction without a permit.



South view of the Yesca residence, seen from Valenzuela Street.

III. NATURE OF REQUEST

The Applicant, Maria Yesca, has a home and accessory garage on her property. She has employed Ernest Rogers to convert the garage into a small dwelling. In late 2012, it came to staff's attention that the construction was taking place, whereupon the Zoning Violation was opened. Construction cannot continue, nor can a permit be issued, unless and until the property can be rezoned as the parcel is zoned TR-9, which allows one dwelling per 9,000-square feet. Because the property is smaller than the 18,000-square feet which would be required for two dwellings, a rezoning is required if the Applicant's plans are to be realized. If the Applicant is successful, the Violation can be closed, a building permit issued, and construction of the new dwelling can be completed.

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

The subject property lies within a Category "C"—Rural Community Area and is considered a "High Density Residential" land use designation area per the *Naco Community Plan*. Section 402 of the County Zoning Regulations allows owners of property lying within this designation to request a rezoning to MR-1 (Multiple household, one dwelling per 3,600-square feet), as MR (Multiple Residential) serves as the County's high-density residential District.

2



The proposed second dwelling and storage building. Existing residence at left.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria used to evaluate rezoning requests. Eleven of the criteria are applicable to this request, which, as submitted, complies with 10 of the 11 applicable factors.

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

The attached Concept Plan is adequate for the proposed rezoning. Note that Section 2208.03.B.1 of the Zoning Regulations does not relate specifically to what is proposed. That is, the rezoning would not facilitate a new residential subdivision development and so would not require a new subdivision plat submittal.

2. Compliance with the Applicable Site Development Standards—Does Not Comply.

The structures on the property, including the detached garage, were constructed in 1946, before the County adopted Zoning Regulations. The existing home and accessory building are thus considered legally-nonconforming. In 2012, when the Applicant demolished the garage, and began constructing a new masonry structure on the remaining concrete pad, the legal non-conforming status also ceased: any new structure built on the pad would have to conform to current Zoning regulations. The garage was sited four-feet, two-inches from the southern property line, and six-feet, eight-inches from the western property line. The setback for structures on the property today is 10-feet, the standard for the TR-9 District. If the property were rezoned to MR-1, the minimum setback would change to 20-feet along the south property line (due to the abutting TR-9 District), and five-feet from the west property line (due to the adjacent GB District).

In 2011, the Board of Supervisors approved changes to Article 22 of the Zoning Regulations to grant themselves the authority to deem existing structures as legal-nonconforming as part of a

rezoning approval. In this case, the proposed second dwelling on the property would not be eligible for such consideration, as it is a new structure and a change from an accessory to a principle land use. The Applicant has submitted an application to the District 2 Board of Adjustment for a Variance to the setback along the south property line for the proposed dwelling. The Board will consider this request at their regular meeting of Wednesday, April 3, 2013.



Southeast view of the partially-constructed second dwelling.

3. Adjacent Districts Remain Capable of Development – Complies.

The proposal 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 immediate area is characterized by a variety of single family dwellings of various sizes on a variety of lot sizes and types. Small-scale commercial uses, as well as public facilities such as the adjacent Naco school are also within the neighborhood. A number of the parcels and land uses, in the Naco Townsite pre-date County regulations and are legal-nonconforming.

6. Rezoning to More Intense Districts—Complies.

The Zoning Regulations provide several criteria for compliance with this factor, including the extent to which the rezoning “provides a transition between an existing less intense district and a more intensive district.” The MR-1 District allows one dwelling per 3,600-square feet. The surrounding TR-9 District provides for one dwelling per 9,000 square feet; the General Business District, to the immediate west of this parcel, allows for high-density residential development (one dwelling per 3,600-square feet). Section 2208.02 of the Zoning Regulations provides a scale of intensity for established Districts within the County. On this scale, the MR Districts are considered to be of a similar intensity to the TR-9 District, with only the SR-8 (Single-

Household Residential) between them. Moreover, as stated above, residential development at densities higher than one dwelling per 9,000-square feet already exists throughout the existing TR-9 District. The property immediately south, for instance, is a non-conforming TR-9 parcel of approximately 6,500-square feet.

7. Adequate Services and Infrastructure – Complies.

The home is served by community water and sewer services. APS provides electric power and the Naco Fire Department provides emergency services. The property is also served by County-maintained streets with adequate rights-of-way.

8. Traffic Circulation Criteria – Complies.

Rezoning to MR-1 to facilitate an additional dwelling on the property would result in a small increase in traffic. The parcel is bordered on two sides by County-maintained roads, with existing, wide rights-of-way for each. These streets are adequate for the proposed increase in residential use of the property. A right-of-way permit would be required to legitimize the existing driveway onto Valenzuela Street if the owner is allowed to move forward with a residential permit for the second dwelling.

9. Development Along Major Streets—Not Applicable.

The property does not border any major street.

10. Infill—Not Applicable.

This Factor applies only for rezoning requests to GB, LI or HI, and is therefore not applicable.

11. Unique Topographic Features – Complies.

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

12. Water Conservation—Not Applicable.

As a proposal to allow one additional dwelling on a parcel smaller than one acre, this factor is not applicable. The property is served by the Arizona Water Company.

13. Public Input—Complies.

The Applicant completed the required Citizen Review process and received positive responses by telephone from seven individuals, and one positive response in writing. Staff posted the property on February 26, 2013, and published a legal notice in the *Bisbee Observer* on February 14, 2013. The Department also mailed notices to property owners within 1,000-feet of the site. To date, staff has received two statements of support from neighboring property owners, and from two neighbors (one representing two parcels) opposing the request (See Attachment D – Citizen Review and Public Comment).

14. Hazardous Materials – Not Applicable.

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

15. Compliance with Area Plan - Complies

The property is within the boundaries of the *Naco Community Plan* area, and carries a Plan Designation of “High Density Residential.” High-density residential is defined, per the Area Plan, as a density of one dwelling unit per 3,100 to 9,000 square feet.

Allowing two dwellings on the 12,915-square foot property would result in a density of approximately 6,500-square feet per dwelling – a density compatible with Area Plan policies as well as the character of the Naco Townsite, which includes a number of non-conforming TR-9 parcels, some as small as 3,500-square feet.

V. SUMMARY

The rezoning request is for a parcel of 12,915-square foot in the Naco Townsite. The rezoning is necessary in order for the Applicant to proceed with a building permit to complete a second, small dwelling on the property. This item has come forward due to a Zoning Violation for beginning construction of this dwelling without a permit.

The neighborhood is home to a large number of legal nonconforming properties, land uses, and lot sizes; many of the TR-9 parcels throughout the town are smaller than the 9,000-square foot minimum. The *Naco Community Plan* designates the site for High Density Residential; this designation essentially constitutes a recommendation on the part of the Area Plan for a rezoning to a higher-density District, constituting a major factor in favor. A rezoning to the MR-1 District would therefore reflect the policies of the Plan, as well as the character of the surrounding neighborhood. Additionally, residential densities allowed in the adjacent General Business District are the same as the MR-1 allows, and as such, the request is a reasonable extension of an existing Zoning District.

Staff's recommendation is based upon the above analysis, as well as the following Factors in Favor and Against approval.

Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of development in the area;
2. The *Naco Community Plan* policies prescribe a high density of residential development in this area, and the request would facilitate such a density.
3. The Applicant's Citizen Review effort yielded eight positive responses from neighboring property owners; and
4. The subsequent County mailing resulted in two neighboring property owners expressing support for the proposal.

Factors Against Approval

1. The request comes as a result of a Zoning Violation for building without a permit.
2. The rezoning, if approved, would result in increased setbacks, from the current TR-9 standard of 10-feet, to the MR-1 standard of 20-feet along abutting residential Districts. The proposed second dwelling, built on the existing concrete pad, will be non-conforming with the setback standards along the south property line.
3. Two neighboring property owners oppose the request.



VI. RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends that the Planning and Zoning Commission forward Docket Z-13-01 to the Board of Supervisors with a recommendation of **conditional approval**, subject to the following standard 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;
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.

Mr. Chairman, I recommend we forward Docket Z-13-01 to the Board of Supervisors with a recommendation of conditional approval, subject to the conditions recommended by staff.

Note: the Board of Supervisors will consider this Docket at a public hearing at their regular meeting of Tuesday, March 26, 2013.

VII. ATTACHMENTS

- A. Rezoning Application
- B. Concept Plan
- C. Location Map
- D. Citizen Review and Public Comment

7



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Z-13-01
(YesCA)

\$415.00
Rec'd
1/24/13

VD
CHECK
#2301

COCHISE COUNTY REZONING APPLICATION

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

1. Applicant's Name: ERNEST D. ROGERS

2. Mailing Address: 1590 W. MULEDEER ST.

BISBEE AZ 85603

City

State

Zip Code

3. Telephone Number of Applicant: (520) 895-8892

4. Telephone Number of Contact Person if Different: (520) 432-3861

5. Email Address: _____

6. Assessor's Tax Parcel Number: 102-57-338 (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.

8

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: _____

14. Indicate proposed Zoning District for Property: _____

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: _____ (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: _____ (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: HOUSE (MAIN DWELLING)

SMALL GARAGE, SHOP

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. You may want to attach a site plan: SEE 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?

GIEBLER / VALENZUELA

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	NACO WATER	
Sewer/Septic	NACO SEWER DISTRICT	
Electricity	APS	
Natural Gas	SOUTHWEST	
Telephone	INTERNET	
Fire Protection	NACO VOLUNTEER	

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).

① NEED TO USE AS HOUSING ② FAMILY (MOTHER IN-LAW QUARTERS) ③ (NACO PLAN CALL FOR THIS USE)

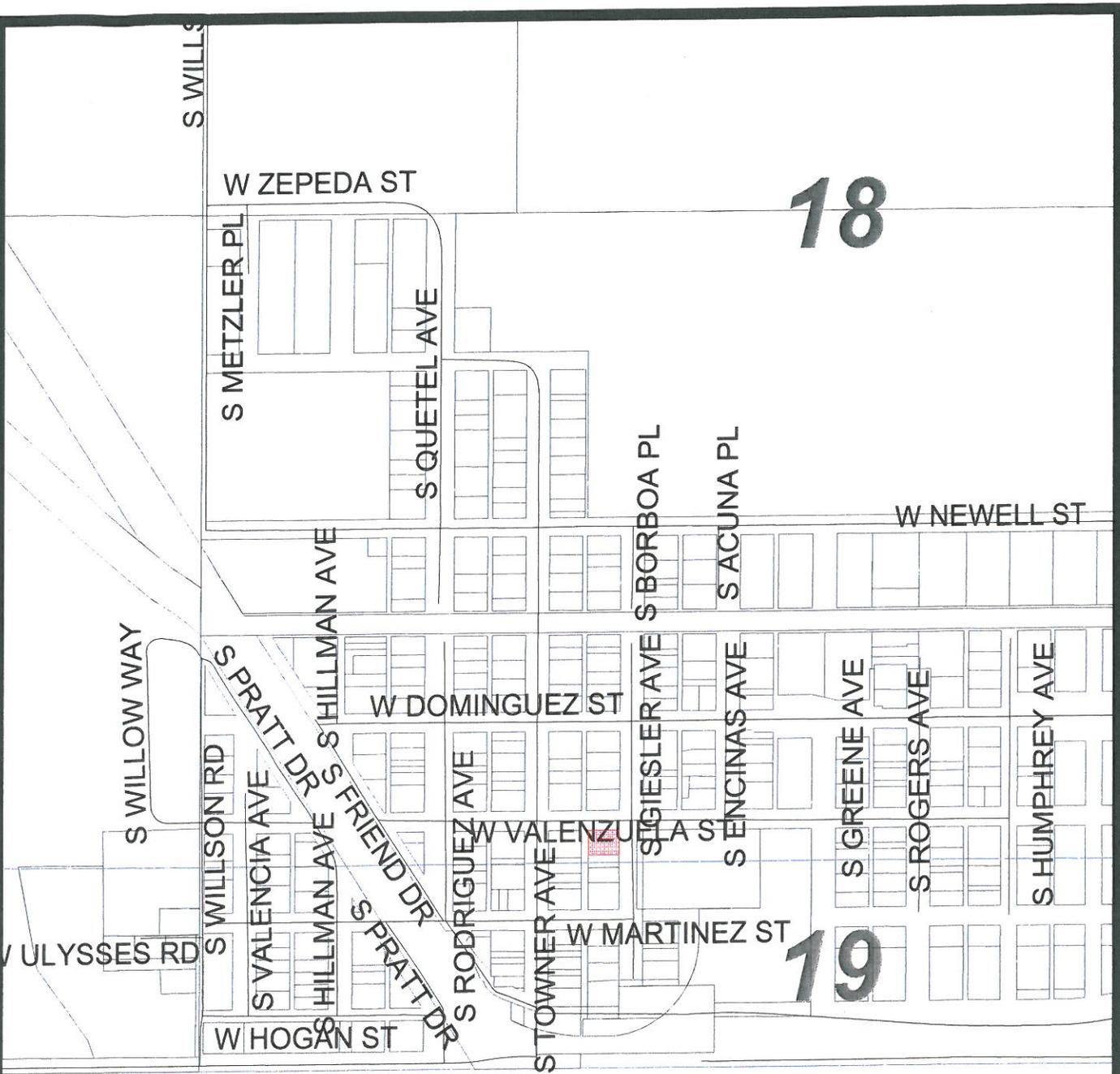
25. AFFIDAVIT

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: _____

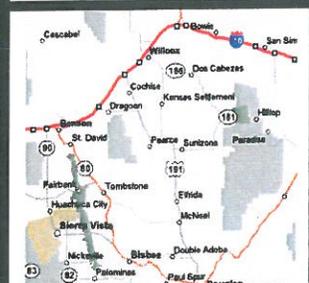
Date: 01/10/12

A handwritten signature in black ink, appearing to be 'DOB', written over a horizontal line.Two parallel diagonal lines drawn in black ink at the bottom right of the page.



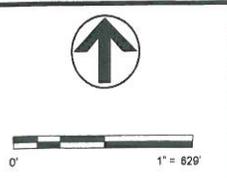
18

19



Docket Z-13-01
(Yesca)
Location Map

This map is a product of the
Cochise County GIS



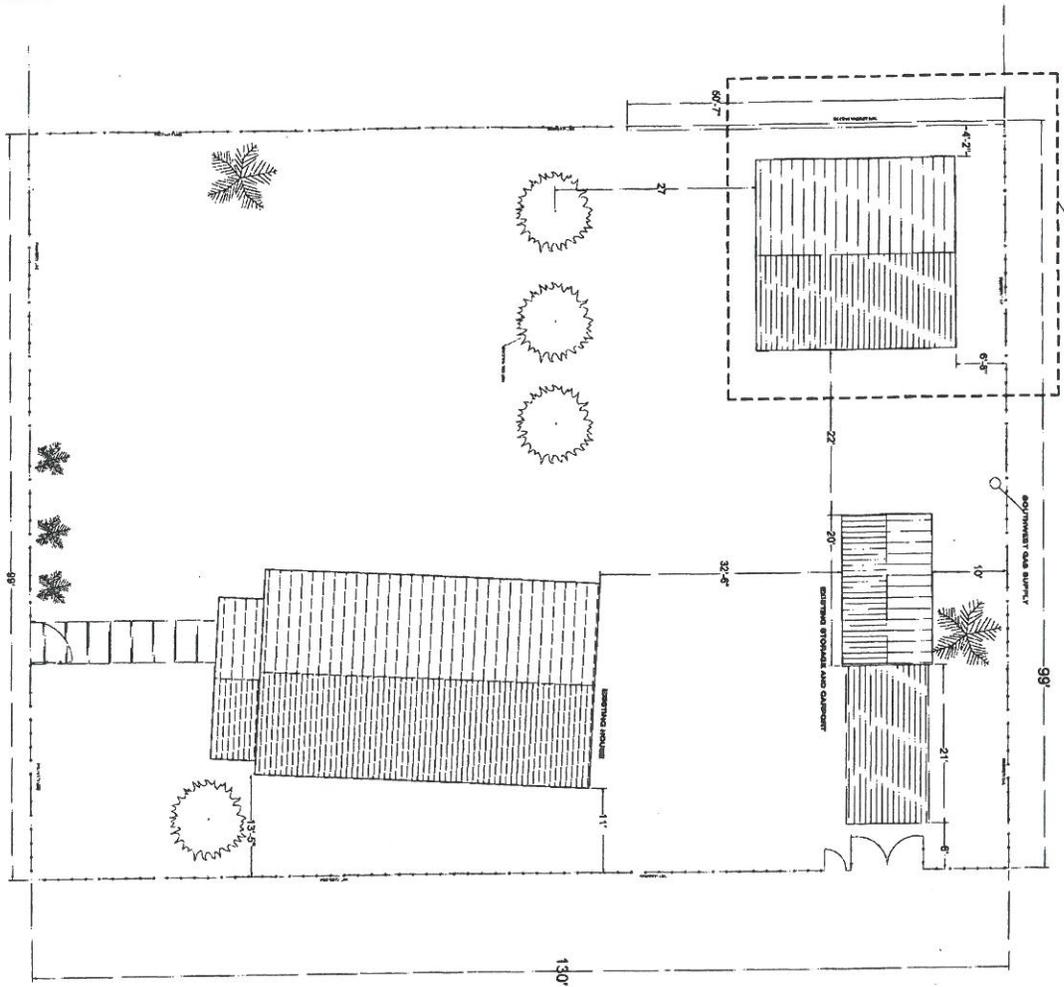
12



1 SITE PLAN

SCALE 1/8" = 1'-0"

8. GIESLER AV.

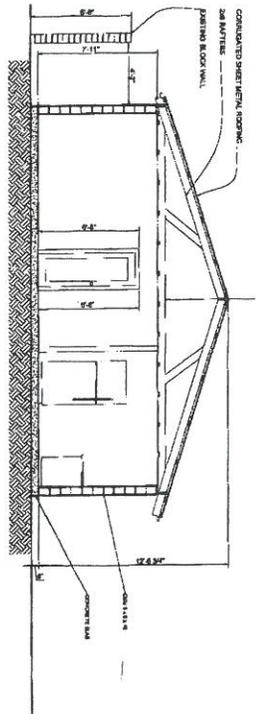


1 PROPOSED BUILDING

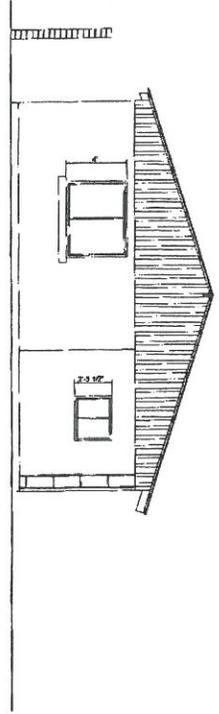
ALLEY

VALENZUELA ST.

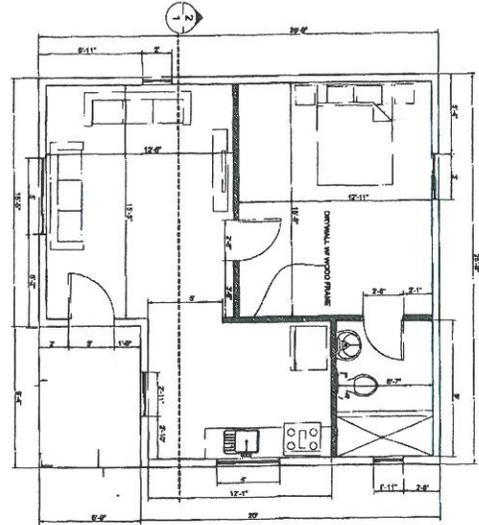
SECTION SCALE 1/8" = 1'-0"



ELEVATION SCALE 1/8" = 1'-0"



LAYOUT SCALE 1/8" = 1'-0"



COVERED LIVING AREA 242 SQ. FT.
 TOTAL CONSTRUCTION AREA 488 SQ. FT.

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01/10/2013

Hello:

For those who don't already know me, my name is Ernest Rogers, resident, property owner and business owner in Naco, Arizona.

I'm attempting to have a small property rezoned in Naco, Az., Years ago this was George Valenzuela's home across from Naco Elementary School, on the property there is an existing building which we are converting to a mother-in-law apartment.

This structure has been in existence for a number of years but will only be converted to a livable space, I see no negative impacts because of our efforts.

Please send any written correspondence whether you're for or against this to David Rogers who is managing this for me 1598 W Muledeer st Bisbee, Az. 85603

We will also take notes on any phone calls regarding this matter.

Please call 520 895-8892 with all concerns.

Thank you for your consideration regarding

this matter.


David Rogers

1-14-2013

I have no objection to your efforts. It does not interfere with me. Good Luck
Pamela Laena

3723
S. Gower
Ave.
Naco

14

Rezone Pro Calls

- ① ANDY CITY MANAGER 249 5404
- ② MAIRO FLORES RESIDENT / NEIGHBOR
- ③ ED COTTINGHAM TREASURER COCHISE BAPTIST ASSOCIATION 378 3176
- ④ ROSE COOPER 520 398 7013
- ⑤ CLARA MARTINEZ 970 533 7805
- ⑥ PAMELA LOESCH SEE ATTACHED LETTER
- ⑦ LUIS VALENZUELA & FAMILY 456 5320

Rezoning: Docket Z-13-01 (Yesca)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

There is not enough low income rental housing available in Naco, especially near the Naco school. additional housing in this lot would be helpful.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): TERRY CHAMBERS

SIGNATURE(S): Terry Chambers

YOUR TAX PARCEL NUMBER: 3792 S. TOWNER AVE, NACO (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. Upon submission 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 by our Department no later than 4 PM on Friday, March 1, 2013 if you wish the Commission to consider them before the March 13, 2013 meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above.** NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.

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

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Rezoning: Docket Z-13-01 (Yes) COCHISE COUNTY

FEB 25 2013

PLANNING

YES, I SUPPORT THIS REQUEST
Please state your reasons:

IF ITS good for The Community, ITS A good thing.

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

(Attach additional sheets, if necessary)

PRINT NAME(S): RESA M. SWPER

SIGNATURE(S): *Resa M. Swper*

YOUR TAX PARCEL NUMBER: 103-57-171-5 (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. Upon submission 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 by our Department no later than 4 PM on Friday, March 1, 2013 if you wish the Commission to consider them before the March 13, 2013 meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603

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Rezoning: Docket Z-13-01 (Yesca)

COCHISE COUNTY

FEB 12 2013

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

If the property is not big enough for two family buildings why should you rezone for them. Then you would have to rezone for anybody that wants to build for rent buildings on their property. Exceptions should not be made if the property is not big enough.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Anthony P. Garcia

SIGNATURE(S):

Anthony P. Garcia

YOUR TAX PARCEL NUMBER: 102-57-143C 8 (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. Upon submission 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 by our Department no later than 4 PM on Friday, March 1, 2013 if you wish the Commission to consider them before the March 13, 2013 meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II
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1415 Melody Lane, Building E
Bisbee, AZ 85603

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Rezoning: Docket Z-13-01 (Yesca)

COCHISE COUNTY
COCHISE COUNTY

FEB 12 2013

PLANNING

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

The property is not big enough for two family buildings. Why should you re-zone for them. Then you would have to re-zone for anybody that wants to build for rent buildings on their property. Exceptions should not be made if the property is not big enough.

(Attach additional sheets, if necessary)

PRINT NAME(S): Anthony Patricia Garcia

SIGNATURE(S): Anthony P. Garcia

YOUR TAX PARCEL NUMBER: 102-57-142A (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. Upon submission 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 by our Department no later than 4 PM on Friday, March 1, 2013 if you wish the Commission to consider them before the March 13, 2013 meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

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

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Rezoning: Docket Z-13-01 (Yesca)

 YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

If all the residents of Naco, Ar. have to follow your zoning rules, regulations and codes it is only fair that Mrs. Yesca and Mr. Ernest Rogers follow the same zoning rules, regulations and codes as the rest of (the) citizens & residents of Naco, Ar. and not try to pass that an 850 sq ft building (made of block) already existed on the property. Additional sheet enclosed.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Aguero Jose F. & Berta A.

SIGNATURE(S):

Berta A. Aguero

YOUR TAX PARCEL NUMBER: 102-57-001 (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. Upon submission 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 by our Department no later than 4 PM on Friday, March 1, 2013 if you wish the Commission to consider them before the March 13, 2013 meeting. We can not make exceptions to this deadline, however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Keith Dennis, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E

March 1, 2013

Re: Docket Z-13-01 (Yesca)

Dear Mr. Keith Dennis:

The property (Parcel no. 102-57-338) located at 3790 S. Geisler Avenue in Naco, Az. has never had an 850 square foot block garage in the far left corner in the back yard or any where else on this property. The building that was on the left side corner of the property when Ms. Yesca and Mr, Ernest Rogers bought this property was an 120 square foot tin shed (made out of tin sheets and 2x 4's).

The reason I know that the tin shed (the one torn down) and what the other buildings that exist on this property are is because my brother lived on this property for 20 years and because I had a few pieces of furniture stored in that tin shed (on the far left side corner of the back yard) and in the tin shed on the right side corner of the backyard (this one still stands). When my brother moved out of this property a few months later is when Ms. Yesca and Mr. Ernest Rogers acquired this property and a few months after that is when they had the 120 square foot tin shed torn down and started building the 850 square foot block building.

If you have been on the property you can see that the 850 square foot block building that is in the 120 square foot tin sheds place is a new building and new material and 7 times larger than the tin shed that existed on the property when it was acquired by Ms. Yesca and Mr. Rogers.

If all the residents of Naco, Az. have to follow your zoning rules, regulations and codes it is only fair that Ms. Yesca and Mr. Ernest Rogers follow the same zoning rules, regulations and codes as the rest of the citizens and residents of Naco, Az.

If you have any questions regarding this matter, please do not hesitate to contact me at (520) 432-9111.

Sincerely,


Berta A. Agüero