



NOTICE OF MEETING
Cochise County Planning and Zoning Commission

August 8, 2012 at 4:00

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

AGENDA

1. 4:00 P.M. - CALL TO ORDER

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

- 2. ROLL CALL** (Introduce Commission members, explain quorum and requirements for taking legal action.)
- 3. CALL TO THE PUBLIC** (Opportunity for members of the public to speak on any item not already on the agenda).
- 4. APPROVAL OF PREVIOUS MONTH'S MINUTES**
- 5. NEW BUSINESS**

Item 1 – (Page 1) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, DOCKET SU-08-17A (Lucore): The Applicant, Ana Lucore of Children's Ranch, received Special Use approval in 2008 for a large, multi-use foster care center, with site built homes, indoor and outdoor recreational opportunities, religious and educational facilities, office space, and facilities for guests and volunteers. Since that time several manufactured homes have been sited on the property for foster families, on-site caretakers and administrative staff. The Applicant now seeks to remove conditions requiring development of the site according to the 2007 concept plan, and to allow expanded utilization of manufactured homes to meet the needs of the Ranch. This will require a Special Use modification at a public hearing before the Commission.

The subject parcel (Parcel # 123-35-003B) is located at 5434 S. Grapevine Loop in Benson, AZ. It is further described as being situated in Section 14 of Township 17, Range 20 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Ms. Ana Lucore of All the King's Horses Children's Ranch

ANNOUNCE ACTION TAKEN (If the Commission makes a recommendation, the docket will be heard at a future Board of Supervisors' meeting at the same location as the Commission meeting).

(Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available this afternoon with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link.)

Item 2 – (Page 24) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, DOCKET CP-12-01/Z-12-05 (Martin): The Applicant seeks to rezone the subject property from TR-36 (Transitional-Residential; minimum lot size 36,000 sq.-ft.) to GB (General Business). The subject property carries a "Neighborhood Conservation" Comprehensive Plan designation, which means that a rezoning to General Business (Z-12-05) is not possible without first changing the Comprehensive Plan designation to "Developing" (CP-12-01). The Applicant has no specific plans for development of the property at this time, but intends to offer it to a tenant or developer for commercial purposes. The subject property (Parcel No. 106-19-018) is currently unaddressed, and is located at the northeast corner of E. Hamel Rd. and SR 90 in the Whetstone area. The property is further described as being situated in Section 07, Township 20 S, Range 20 E, of the G&SRB&M, Cochise County, Arizona. The Applicant is Mr. Bill Martin of Madera Realty in Tucson.

ANNOUNCE ACTION TAKEN – (Note: Any individual disagreeing with this action has the right to appeal to the Board of Supervisors within 15 days. An application for appeal is available this afternoon with the Clerk, at our office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link.)

Item 3 – (Page 47) Introduce docket and advise public who the applicants are.

PUBLIC HEARING, DOCKET SU-12-09 (Grover): The Applicant seeks Special Use authorization from the Planning and Zoning Commission to legitimize a repair services business, a Special Use in the RU District per Section 607.29 of the Zoning Regulations. The Applicant is using a 40x30 metal building for on-site work and tool storage, but conducts much of the operation off-site.

The subject Parcel (116-02-004L) is located north and west of Sunsites, AZ. It is further described as being in Section 13 of Township 17, Range 24 in the G&SRM in Cochise County, AZ. The Applicant is Mr. Lloyd Grover.

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

7. CALL TO COMMISSIONERS ON RECENT MATTERS.

8. ADJOURNMENT

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 DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Keith Dennis, Senior Planner

SUBJECT: Docket SU-08-17A (Lucore)

DATE: July 26, 2012, for the August 8, 2012 Meeting

REQUEST TO MODIFY AN APPROVED SPECIAL USE

The Applicant, Ana Lucore of Children's Ranch, received Special Use approval in the fall of 2008 for a large, multi-use foster care center, which was to feature site built homes, a number of indoor and outdoor recreational opportunities, religious and educational facilities, office space, and facilities for guests and volunteers. Since that time a small number of manufactured homes have been sited on the property for foster families, on-site caretakers and administrative staff. The Applicant seeks to have conditions requiring them to develop the site according to the 2007 concept plan removed, and to allow expanded utilization of manufactured homes to meet the needs of the Ranch. This will require a Special Use Modification at a public hearing before the Commission.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: Approximately 90 acres
Zoning: TR-36 (Transitional Residential – one dwelling per 36,000 square feet)
Growth Area: Category B – Community Growth Area
Plan Designation: Developing
Area Plan: None Applicable
Existing Uses: Residential Care Institution
Proposed Uses: Unchanged

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-36	San Pedro River, Agriculture
South	TR-36	Rural Residential, Coyote Hills Golf Course
East	TR-36	San Pedro River, Agriculture
West	City of Benson	Railroad Right-of-Way

II. BACKGROUND

All The King's Horses Children's Ranch was conceived as a Ranch with a large number of amenities for foster care children, their families, guests, volunteers and community stakeholders.

The mission of the Ranch is to provide a faith-based environment for nurturing children in the foster care system, not only with indoor and outdoor recreational activities, but also with religious support.

Attached is the concept plan, dated February of 2007, which reflects the initial, ambitious vision for the project (Attachment C). On this plan can be found a chapel, an RV park, a go-kart track, a school, athletic fields, and other amenities.

In 2008, the Applicant and Director of the Children's Ranch, Ana Lucore, obtained Special Use authorization from the Planning Commission for a Residential Care Institution. The approval was based on the concept plan, and, as is standard for Special Uses, the Applicant was required to obtain a commercial permit in conformance with the concept plan.

Condition #1 of this approval, to which the Ranch is currently subject, reads as follows:

1. Within thirty (30) days of approval of the Special Use Permit, the Applicant shall provide the County a signed Acceptance of Conditions form (signed by the Applicant) and a Waiver of Claims form arising from ARS Section 12-1134 (signed by the property owner of the property). Prior to operation of the Special Use, the Applicant shall submit and obtain a building/use permit for the residential care institution within 12 months of approval, including a completed joint permit application. The building/use permit shall include a site plan in conformance with this approval and meeting all site development standards except as modified (waive landscaping and screening requirements, allow gravel surfacing on driveways and parking areas, and allow the entrance and internal driveways to remain at 21 feet in width) the completed special use permit questionnaire, and appropriate fees. A permit must be issued within 18 months of the Special Use approval, otherwise the Special Use approval may be deemed void upon 30-day notification to the Applicant.

Since approval, the economic downturn has meant that the original vision has been scaled back. The Applicant also anticipated building the Ranch with the help of volunteer labor and materials from around the country, but State law requires that non-residential building projects be constructed by licensed commercial contractors. This would add considerably to the costs associated with building the Ranch as planned. Thus, in order to develop the property as intended, Ms. Lucore obtained ag-exempt status for a portion of the land in March of 2009, so that a horse barn and corral could be built. The agricultural exemption meant that, while the barn could be built with unlicensed volunteer labor without the need for a permit, the Commission-imposed requirement that a commercial permit be issued would not be satisfied.

The original plan, as approved by the Commission, was for the residents, children and families, to live in site built homes. At the time of approval, there were three manufactured homes on the property. One of these was occupied by the Director, Applicant Ana Lucore. One was occupied by a foster family, and the other had just been donated and has since been remodeled for use. These were understood to be temporary measures. Today there are four manufactured homes on the property. The Applicant has asked to have three additional manufactured homes on the property as part of the foster care operation (See Attachment A). The business model for the Children's Ranch, then, has changed since approval. While the intent is still to place the children in site built homes, the five-

year projection is for an operation that is taking on the character of a manufactured home park rather than what was approved by the Commission.



Aerial view of the developed area of the 90-acre parcel. The building at top is the ag-exempt barn; the rest are manufactured homes. The left half of the photo is incorporated Benson, AZ.

In fact, occupancy of three or more manufactured homes in a TR-36 District normally designates a property as a manufactured home park. Circumstances are different here because the property is in fact operating as a Residential Care Institution. Nevertheless, the project is significantly out of scope with regard to what the public was told, what staff advertised, and what the Commission approved. At the same time, it is acknowledged that, while the development pattern on the Ranch is significantly out of scope with what was originally approved, it is also of a much lower-impact than what was planned.

Meanwhile, the requirement for a commercial permit has not been satisfied. There have been two administratively approved modifications to this requirement, in September of 2009, and again in June of 2011, each of which was a request by the Applicant for additional time to obtain the permit for development in conformance with the approval. Part of the Applicant’s request is to have this time-sensitive deadline removed, so that development requiring a commercial permit may proceed at a time most feasible for the Ranch. Currently, the Ranch faces a deadline of November 12, 2012 to comply with Condition #1 and obtain a non-residential permit in conformance with the concept plan.

III. MODIFICATION REQUEST

With the above in mind, the Applicant now asks the Commission to approve the following Modifications to the original 2008 Special Use Approval (See Attachment A):

1. Modify Condition #1 to remove the requirement that new development on the Ranch conform to the originally approved concept plan. More specifically, the request is to acknowledge that homes for the children at the facility may be manufactured homes, with an allowance of three additional manufactured homes; and

2. Allow construction of a small chapel/school building near the homes. Note that such a structure was part of the original plan, but it is unlikely that it would be built in the same place as depicted on the plan. This would require a commercial permit.

Note: The Applicant did inform staff that this commercial permit deadline was not realistic given the circumstances, however, a specific request to eliminate this requirement was not articulated in writing.

IV. PUBLIC COMMENT

The Applicant did complete the Citizen Review process as required for this Modification request. Staff also published the required legal notice, posted the property, and mailed notice of this hearing to property owners within 1,000 feet. To date, staff has received one letter from a neighboring property owner opposed to the request (See Attachment D). The objecting neighbor indicated that the property was for sale, and that no legal access to the property was held by the Applicant.

V. SUMMARY AND RECOMMENDATION

Factors in Favor of Allowing the Modification

1. The pattern of development existing on the property, as well as what is proposed for the next phase of development, is significantly less in terms of on- and off-site impacts than what was originally planned.
2. If the Commission grants the Applicant's request, there will be a total of seven manufactured homes, plus one chapel, on the property. With 90 acres of land available, this number of units is well below the density otherwise allowed for residential development in a TR-36 District (1 dwelling per 36,000 square feet).

Factor Against Approval

1. One neighboring property owner opposes the request.

Based on the factors in favor of approval, staff recommends **conditional approval** of this Special Use Modification request. Staff recommends such approval be subject to the following conditions:

1. Within thirty (30) days of approval of the Special Use Modification, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134;
2. The Ranch may expand as requested, with three additional manufactured homes and one chapel/school building on the property;
3. All development on the property shall be subject to applicable permitting and building code requirements. This includes any modifications to manufactured homes;

4. Additional development beyond what is approved shall conform to the concept plan approved as Docket SU-08-17, otherwise such development shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission; and
5. Those conditions of approval for Docket SU-08-17 not specifically modified herein remain binding upon the property.

Sample Motion: *"Mr. Chairman, I recommend approval of Docket SU-08-17A, modifying Special Use SU-08-17, subject to the conditions recommended by Staff; the factors in favor of approval constituting findings of fact."*

VI. ATTACHMENTS

- A. Modification Request Letter
- B. 2008 SU-08-17 Staff Memorandum and Approval Letter
- C. Approved 2008 Concept Plan
- D. Citizen Review and Public Comment
- E. Location Map



543 S Grapevine Loop
Benson, AZ 85602
(520) 586-0267
hisranch@qwestoffice.net
www.atkhchildrensranch.org
EIN 91-1995776

July 3, 2012

Dear Cochise County P&Z Commissioners:

THE REQUEST

Acceptance of Conditions Docket SU-08-17 (Lucore)

Please consider our plea to lift Condition One criteria regarding time constraints to obtain building/use permits that would prevent The Ranch from continuing forward as it has in the past and allowing The Ranch to obtain more manufactured homes to be added to the existing buildings.

THE NEED:

Some relevant and current statistics are enclosed.

RESPONSE

FIVE-YEAR UPDATE

The initial concept was to construct site-built homes. However, in order to get underway with the need of safe and nurturing shelter for children, The Ranch was blessed to have two manufactured homes donated: The Palomino (bldg. B) and The El Caballo Blanco (bldg. C). These two homes have been answer to prayer in our quest to alleviate the suffering of homeless children. The homes are kept in tip-top shape both in the constructional interior and in outward appearance. Cochise County can boast of helping dozens of children find a nurturing place at The Ranch during extreme family-turbulence in their lives.

Besides the two homes for children, the office/my residence (Pony bldg. A) is a single wide manufactured home that was also donated.

Then last year, we finished the fourth building – a complete rebuilding of the manufactured home that was on-site at time of purchase. We named this home the Katherine Meija Chuck Wagon (bldg. D). This residence is home to a husband/wife team, our Hostess and Maintenance man, and is available for group activities like oil painting, group meetings, and our once-a-week pot-luck meal where the house parents, children and Executive Director prepare dishes in our homes and then converge on the Chuck Wagon to share our venues.

6

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The Chuck Wagon home is also where business meetings are welcome. For instance, in December of 2011, Arizona Corporation Commission chaired a meeting in it with our neighbors and various representatives of the county, city and railroad to brainstorm ideas on Grapevine Loop improvements.

The barn has been completed, a corral is ready and over a ton of hay was delivered from a ranch in Colorado as their donation to this work. The Ranch has a professional wrangler who worked with The Scouts' horse program and is known in the Benson area. He will undertake a horse program once a volunteer steps in to care for the equine.

Lastly, the Maintenance Building is where the workers keep good track of tools, machines, and projects. Children can learn carpentry skills under the auspices of some of the finest wood workers this side of the Mississippi.

FIVE-YEAR PROJECTION

Again: the initial concept was to construct site-built homes. That is still the future goal. But with the heart-breaking need of safe shelter for homeless children so precariously staring into the comfort of our lives, The Ranch realizes that demand can be answered sooner and less expensively if P&Z will approve our updated plan for the next five years, as follows.

With continued vigilance for enviable appearance and construction-without-compromise, The Ranch plans to expand bed space on the Palomino. Once permits are in hand, this project will get underway this fall.

Upon completion of that project and within the next two to three years to follow, the Ranch would like to place three more manufactured homes on site.

With that increased bed space, the Ranch 'income' should increase significantly enough to draw up plans for the first site-built home

Along with these plans, it is my personal desire that a small, tiny chapel be erected. This little sanctuary would be constructed with the intent of enlarging it as the Ranch grows. I hope to see some of the children return to exchange their wedding vows right here where their most precious memories might have been rooted. Who knows? They may even decide to remain in Cochise County and raise a family.

The Chapel will double as a small on-site school, as well, for new residents as they are adequately assessed for learning abilities and familiarize themselves with the Benson community.

SAFETY AND ACCOUNTABILITY

Because Cochise County Planning and Zoning is not the only authoritative government sector to which we must answer, you can be assured that The Ranch is kept safe and sound. As a State-licensed Residential Care Facility, the Ranch is overseen by the State Office of Licensing, Certification and Registration (OLCR) in Phoenix. I have a direct connection with Steve Holstad, Child Welfare Licensing Unit Supervisor DES/OA/OLCR; (602) 513-3558; sholstad@azdes.gov.

The Federal Department of Economic Security Title Six, Social Services Chapter Five, Arizona Revised Statutes 74 (ARS 6-5-74) consist of 71 divisions each with sub-divisions. These laws detail the Safe Environment for children in the care of The State. The Ranch is required to address this Article in a written Policy and Procedures Manual which, having complied, has guaranteed our familiarity with ARS 74 and its hundreds of regulations.

7 A

Parts of OLCR's rigorous demands include yearly inspections by the Arizona State Fire Marshall; a licensed Heating/Cooling Specialist; a Water Lab, and the Office of Home Inspections. In addition, these agencies can make surprise visits at any reasonable hour.

Besides the ever-watchful eye of the State, The Ranch naturally carries the necessary liability insurance with Landmark Insurance in Sonoita. Landmark is sensitive to Risk Management and makes visits to see our buildings and layout.

Also, the men and women who staff The Ranch must pass an intentionally grueling application process that takes months of background checks and fingerprinting.

Along with that, volunteers must have a high-level of experience in the area that they want to support the Ranch. Even with that experience, their work is overseen and inspected by licensed contractors.

OUR REQUEST REITERATED

Safe and secure homes for fatherless children are *desperately* needed as soon as possible. Please allow us to answer their cry by obtaining more manufactured homes.

Come for a tour and see why we ask.

Thank you,

Respectfully submitted, etc.

DISPLAYS:

Kathy's Stats on The Need

ARS Article 75 notebook and

Photos of Buildings

Photo of James w/child woodworking

AZ Corp Commission's e-mail re: RR meeting

Sketch of potential manufactured home locations w/chapel



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Planner
For: Susan Buchan, Planning Director
SUBJECT: Docket SU-08-17 (Lucore)
DATE: October 30, 2008, for the November 12, 2008 Meeting

APPLICATION FOR A SPECIAL USE PERMIT

The Applicant seeks to construct, over time, a master-planned community for foster children and families on approximately 90 acres, with multiple residential and non-residential, principle and accessory land uses. The Applicant currently seeks a Special Use Permit to allow the construction and operation of a residential care institution (Section 706.06). Two single family homes with septic systems are proposed at this time, along with animal husbandry land uses (corral, barn, grazing pasture - Section 706.16). Future phases will include indoor and outdoor recreational facilities, educational services, and other uses associated with a master-planned foster family community (See Attachment D – Concept Plan).

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: Approximately 90 acres
Zoning: TR-36 (Transitional Residential – one dwelling per 36,000 square feet)
Growth Area: Category B – Community Growth Area
Plan Designation: Developing
Area Plan: None Applicable
Existing Uses: Single-Family Residential (3 units)
Proposed Uses: Same, but with the addition of a Residential Care Institution and animal husbandry activities.

9
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Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-36	San Pedro River, Agriculture
South	TR-36	Rural Residential, Coyote Hills Golf Course
East	TR-36	San Pedro River, Agriculture
West	City of Benson	Railroad Right-of-Way



Above: the three homes currently on the property. Foster children and their families currently live in these homes. The Applicant wishes to construct two new site-built homes.

II. PARCEL HISTORY

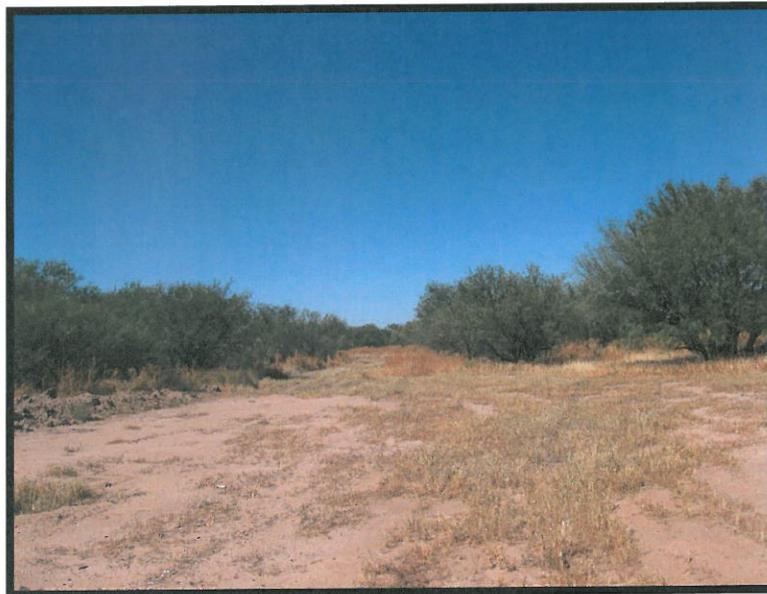
The Special Use application under consideration is the culmination of the Applicant's efforts over the last five years. Ana Lucore of All the King's Horses Children's Ranch, first approached County staff in 2005 to begin the process of creating a master-planned community for foster children and families on the 90-acre parcel. During this time, there have been several "false starts," including three pre-application conferences and Citizen Reviews. Staff also encouraged the Applicant to seek annexation into the City of Benson, which abuts the property, since some of her proposed uses required a rezoning at that time (animal husbandry became an allowed Special Use in TR Districts in April of 2008). The City declined, and she again approached the County for permits.

2004 – Residential Permit for mobile home

10
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- 2005 – First pre-application conference for the project
- 2005 – Residential Permit for mobile home
- 2006 – Residential Permit for covered porch
- 2006 – Residential Permit for mobile home with detached garage

The project site is not within a floodplain. However, the site is close to the San Pedro River. For those residential building permits issued for the site, the Highway and Floodplain Department required that any structure built on the property must be more than 300 feet from the primary bank of the river, and 50 feet from the primary bank of any other watercourse. Although not required, the Department further recommended that the Applicant construct buildings and other structures as though they were within a floodplain, i.e. with a finished floor elevation higher than what would otherwise be required. None of the proposed structures under current consideration are within 50 feet of a wash, or within 300 feet of the San Pedro River, but structures in future phases will continue to be bound by these Highway and Floodplain Department stipulations.



Above: Southward view of the internal driveway leading to the Southern portion of the property. The proposed site-built homes would be located in the background, to the left side (East) of this drive.

III. PROJECT DESCRIPTION

The Applicant's vision for the fully built-out Children's Ranch includes a number of land uses for the children and families who will live on the ranch. These include 10 homes, a gymnasium with indoor pool, 4-H club activities, spaces for visitors in RVs, gardens and walking trails, equestrian activities, administrative buildings, a chapel, and a "small engine test and training track" for small-engine vehicles ("go-karts") that the children will build themselves.

The current Application is to establish the site as a residential care institution, with animal husbandry land uses permitted on site. The two proposed homes will be occupied by foster children and their families.

11 B

Per the Applicant, other land uses will come to the Commission as modifications to this Special Use Permit, as future project phases.

IV. ANALYSIS OF IMPACTS

The project as proposed will have minimal impact on the neighborhood. Two additional homes on a 90-acre TR-36 site, with animal husbandry land uses will not cause any impact to the surrounding area beyond what would be expected from rural residential land uses. None of the structures or land uses proposed in the current Application will be visible from neighboring properties. Traffic will increase with the addition of two families. However, the impact from such traffic is anticipated to be minimal and similar to low-density single-family residential development.

Off-site impacts are further limited in that the property is situated between a railroad and Highway 80 on the West side, I-10 on the North, and the San Pedro River on the East side. There are three homesites on parcels South of the subject property. Per the Applicant's site plan, the proposed foster care homes will be 347.5 feet from the Southern property line. As such, the current proposal is a low-intensity land use in an area with few other homes; railroad traffic will likely continue to be the most high-impact land use in the neighborhood (sound and traffic impacts).



Three views of Grapevine Loop. Above Left: North. Above Right: South. Below: the railroad crossing at the intersection of Grapevine Loop and County Club Drive.

12 B

V. ACCESS ISSUES (SEE CONDITION #2)

The subject property takes access from Grapevine Loop, which is a private roadway on private property, for which no access easements exist. The West side of Grapevine Loop, from which the property takes access, is on railroad property. The Applicant's efforts to obtain an easement from the railroad have thus far been unsuccessful. The three properties to the South, between the project site and the golf course, also use Grapevine Loop for access.

Section 1807.02.A of the Zoning Regulations states: "No building permit for a non-residential use shall be issued unless a site has permanent legal and direct access to a publicly maintained street or a street where a private maintenance agreement is in place." Because there is no recorded access easement linking the site with a County maintained road, the site cannot meet the legal access requirement set forth in Section 1807.02.A.

Should the Special Use be approved, the Commission would have to grant a waiver for this legal access requirement. The Applicant understands the risks involved in depending upon an unrecorded road.

Staff recommends, as a condition of approval (#2), that the Applicant be required to enter into a Private Maintenance Agreement with the County, in order to ensure that Grapevine Loop remains in a passable, driveable condition.

VI. COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of 10 criteria with which to evaluate Special Use applications. These are considered factors in determining whether or not to approve a Special Use Permit, as well as to determine what conditions and/or modifications may be needed. Eight of the 10 criteria apply to this request. The project complies with four criteria as submitted and three criteria with conditions; compliance with Factor F, concerning site development standards, is subject to the Commission's decision on the Applicant's requested Modifications (See Section X of this report).

A. Compliance with Duly Adopted Plans: Complies

The project site is not within the boundary of any area plan. However, the project would comply with the intent for the Category B Growth Area, in that the Applicant intends to develop the site while preserving open space and river frontage.

B. Compliance with the Zoning District Purpose Statement: Complies

The project would conform to each of the three purpose statements in Article 7 of the Zoning Regulations (Sections 701.01, 02 and 03).

C. Development Along Major Streets: Not Applicable

D. Traffic Circulation Factors: Does Not Comply (See Requested Modifications, Section X)

Although the development is intended to function primarily as a residential neighborhood with on-site amenities, the development is still considered a non-residential project. Non-residential development is discouraged along streets that primarily serve residential areas (Section 102.B3a

13 B

of the Comprehensive Plan). Additionally, non-residential development is discouraged for those sites which connect to a County collector or arterial road through residential streets.

The legal access issue discussed in Section V of this report, above, also applies to this Special Use factor.

E. Adequate Services and Infrastructure: Complies (Subject to Condition #3)

All the future homes and structures are to be equipped with septic systems, and served by an on-site well. Sulphur Springs Valley Electric Cooperative will provide electricity, and natural gas utilities are not under consideration at this time. The Applicant has equipped the existing well with a fire hose hookup and a 5,000 gallon storage tank for fire protection, but the site is not within the Benson Fire Department, nor any other fire department service area. Staff recommends, as a condition of approval (#3), that the Applicant enter into a service agreement or contract with a fire protection service, and provide County staff with documentation of such agreement, prior to the issuance of a certificate of occupancy for any new structure.

F. Significant Site Development Standards: Complies (Subject to Requested Modifications)

The Applicant has requested modifications to a number of site development standards. These are detailed in Section X of this report. Most notably, the Applicant requests waivers from screening and landscaping requirements, due to the rural character of the site and environs.

G. Public Input: Complies

Over the last three years, the Applicant has conducted a total of three Citizen Reviews. To date, staff has received no comments in favor or against the requested Special Use.

H. Hazardous Materials: Not Applicable

I. Off-site Impacts: Complies

Off-site impacts are anticipated to be minimal, and in keeping with what would be expected from a low-density residential development. The land uses presently under consideration would also be separated from neighboring properties by their placement within the interior of the property, screened effectively by an existing, dense vegetative cover.

J. Water Conservation: Complies

The project does not qualify as a major development. However, per the Application, the Applicant "meets regularly with the Community Watershed Alliance and the Ranch director takes classes on the various means of reducing water use." Section C of the attached Special Use Application provides more information as to water conservation efforts on the ranch.

VII. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on October 14, 2008 and published a legal notice in the *Sierra Vista Herald* and the

14 B

Arizona Range News on October 23, 2008. To date, the Department has received no letters of support or opposition to the Special Use request.

VIII. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Special Use

1. The proposal would provide homes and on-site activities to foster children and their families.
2. The site is in a rural area screened from neighbors' views by the river, dense vegetative cover and a railroad track.
3. No off-site impacts are anticipated for this phase of the development.

Factors Against Approval

1. Grapevine Loop, an unrecorded, private dirt road with no dedicated easement, is currently the only means of access to the site.

IX. RECOMMENDATIONS

Based on the factors in favor of approval, Staff recommends **conditional approval** of the Special Use request, with the following conditions:

1. Within thirty (30) days of approval of the Special Use Permit, the Applicant shall provide the County a signed Acceptance of Conditions form (signed by the Applicant) and a Waiver of Claims form arising from ARS Section 12-1134 (signed by the property owner of the property). Prior to operation of the Special Use, the Applicant shall submit and obtain a building/use permit for the residential care institution within 12 months of approval, including a completed joint permit application. The building/use permit shall include a site plan in conformance with this approval and meeting all site development standards except as modified (waive landscaping and screening requirements, allow gravel surfacing on driveways and parking areas, and allow the entrance and internal driveways to remain at 21 feet in width) the completed special use permit questionnaire, and appropriate fees. A permit must be issued within 18 months of the special use approval, otherwise the special use approval may be deemed void upon 30-day notification to the Applicant.
2. Prior to the issuance of a certificate of occupancy, the Applicant shall enter into a Private Maintenance Agreement with the County, to ensure that Grapevine Loop is maintained in a safe, driveable condition.
3. Prior to the issuance of a certificate of occupancy, the Applicant shall enter into a service agreement or contract with a fire protection service for any new structure, and provide County staff with documentation of such agreement.
4. 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.

5. Any changes to the approved special use shall be subject to review by the Planning Department and may require a modification and approval by the Planning and Zoning Commission.

X. REQUESTED MODIFICATIONS

The Applicant requests modifications to the following site development standards:

1. Waive landscaping requirements, due to the presence of dense vegetation on the site;
2. Waive screening requirements, due to the presence of dense vegetation on the site;
3. Modify the requirement for 24-foot drive aisles and entryway to the property to allow the existing 21-foot entrance and internal drive aisles to remain;
4. Modify the paving requirements in a Category B Growth Area to allow internal drive aisles and parking areas to be surfaced with 2-inch deep gravel; and
5. Waive the legal access requirement (Section 1807.02.A). The Applicant is aware of and assumes all risk associated with obtaining access to the property across private land with no dedicated access easement in place.

XI. ATTACHMENTS

- A. Special Use Application
- B. Location/Surrounding Zoning Map
- C. Site Plan
- D. Concept Plan
- E. Citizen Review Packet
- F. Modification Request Letter
- G. City of Benson Comments



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

November 14, 2008

All the King's Horses Childrens' Ranch
Ana Lucore, Director
P.O. Box 2063
Benson, AZ 85602

SUBJECT: Docket Number SU-08-17 (Lucore) – Parcel No. 123-35-003B

Dear Ms. Lucore,

As you are aware, at their regular meeting of November 12, 2008, the Cochise County Planning and Zoning Commission voted (5 – 2) to **conditionally approve** your request for a Special Use Permit. The approved Special Use Permit allows you to construct and operate a Residential Care Institution on the property (Section 706.06), and to begin Animal Husbandry land uses on the Ranch (Section 706.16).

Be advised, approval Condition #2 was modified at the hearing. Condition #2 originally stated:

Prior to the issuance of a certificate of occupancy, the Applicant shall enter into a Private Maintenance Agreement with the County, to ensure that Grapevine Loop is maintained in a safe, driveable condition.

Instead, Condition #2, which was approved by the Commission at last night's hearing, now states that:

The Applicant accepts all risk associated with obtaining access to the site via Grapevine Loop, which is a roadway on private land, and for which no easement is recorded.

The Ranch, therefore, will not be required to enter into a private maintenance agreement for maintenance along Grapevine Loop.

The approval was otherwise conditioned as follows:

1. Within thirty (30) days of approval of the Special Use Permit, the Applicant shall provide the County a signed Acceptance of Conditions form (signed by the Applicant) and a Waiver of Claims form arising from ARS Section 12-1134 (signed by the property owner of the property). Prior to operation of the Special Use, the Applicant shall submit and obtain a building/use permit for the residential care institution within 12 months of approval, including a completed joint permit application. The building/use permit shall include a site plan in conformance with this approval and meeting all site development standards except as modified (waive landscaping and screening requirements, allow gravel surfacing on driveways and parking areas, and allow the entrance and internal driveways to remain at 21

feet in width) the completed special use permit questionnaire, and appropriate fees. A permit must be issued within 18 months of the special use approval, otherwise the special use approval may be deemed void upon 30-day notification to the Applicant.

2. The Applicant accepts all risk associated with obtaining access to the site via Grapevine Loop, which is a roadway on private land, and for which no easement is recorded.
3. Prior to the issuance of a certificate of occupancy, the Applicant shall enter into a service agreement or contract with a fire protection service for any new structure, and provide County staff with documentation of such agreement.
4. 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.
5. Any changes to the approved special use shall be subject to review by the Planning Department and may require a modification and approval by the Planning and Zoning Commission.

The Commission also granted the following modifications to site development standards:

1. Waive landscaping requirements, due to the presence of dense vegetation on the site;
2. Waive screening requirements, due to the presence of dense vegetation on the site;
3. Modify the requirement for 24-foot drive aisles and entryway to the property to allow the existing 21-foot entrance and internal drive aisles to remain;
4. Modify the paving requirements in a Category B Growth Area to allow internal drive aisles and parking areas to be surfaced with 2-inch deep gravel; and
5. Waive the legal access requirement (Section 1807.02.A). The Applicant is aware of and assumes all risk associated with obtaining access to the property across private land with no dedicated access easement in place.

Note that these conditions will be filed with the County Recorder's office, and will run with the land as part of the approved Special Use.

Please also be aware that any person who objects to the Commission's decision on this matter may appeal the ruling to the Cochise County Board of Supervisors, within 15 days of the approval (November 27, 2008).

After the appeal period, please contact the Commercial permit Coordinator, Dora Flores, to begin the permitting process for the homes and corral. She may be reached at 520-432-9246.

Ana Lucore
Docket SU-08-17
November 14, 2008
Page 3 of 3

Please feel free to contact me if you have any questions at (520) 432-9244 or by email at kdennis@cochise.az.gov.

Sincerely,

Keith Dennis, Planner

Attachments:

Acceptance of Conditions Form
ARS 121134 Waiver of Claims Form

C: Susan Buchan, Planning Director
Rick Corley, Zoning Administrator
Susana Montana, Planning Manager
Dora Flores, Commercial Permit Coordinator
SU-08-17 Docket, Black Bear, Parcel 123-35-003B

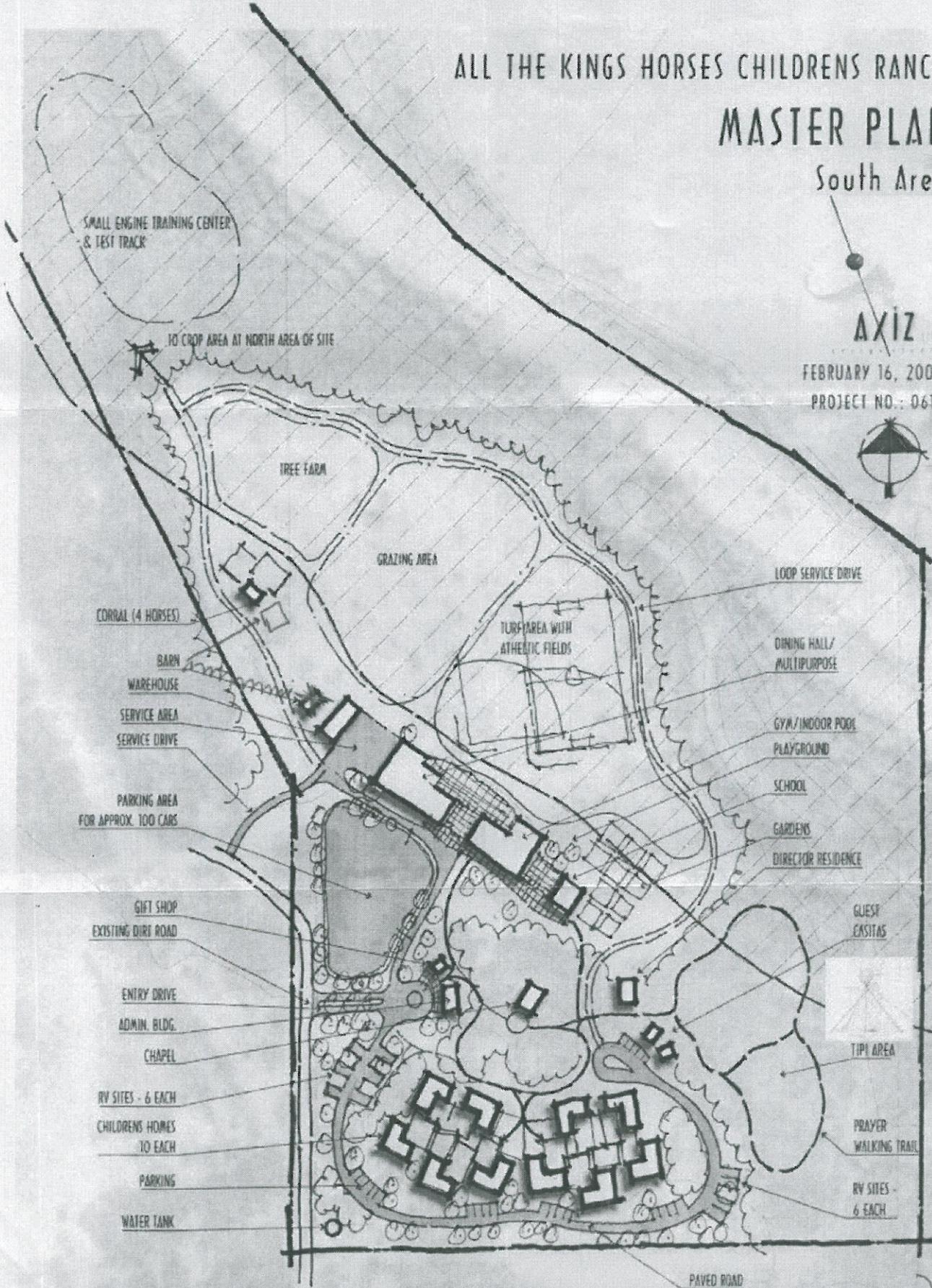
ALL THE KINGS HORSES CHILDRENS RANCH MASTER PLAN

South Area

AXIZ

FEBRUARY 16, 2007

PROJECT NO.: 0613



SMALL ENGINE TRAINING CENTER & TEST TRACK

TO CROP AREA AT NORTH AREA OF SITE

TREE FARM

GRAZING AREA

CORRAL (4 HORSES)

BARN

WAREHOUSE

SERVICE AREA

SERVICE DRIVE

PARKING AREA FOR APPROX. 100 CARS

GIFT SHOP

EXISTING DIRT ROAD

ENTRY DRIVE

ADMIN. BLDG.

CHAPEL

RV SITES - 6 EACH

CHILDRENS HOMES TO EACH

PARKING

WATER TANK

TURF AREA WITH ATHLETIC FIELDS

LOOP SERVICE DRIVE

DINING HALL / MULTIPURPOSE

GYM / INDOOR POOL
PLAYGROUND

SCHOOL

GARDENS

DIRECTOR RESIDENCE

GUEST CASITAS

TIPI AREA

PRAYER WALKING TRAIL

RV SITES - 6 EACH

PAVED ROAD

20

C



543 S Grapevine Loop
Benson, AZ 85602
(520) 586-0267
hisranch@qwestoffice.net
www.atkhchildrensranch.org
EIN 91-1995776

June 14, 2012

Richard Fasanella
P O Box 940
Benson, AZ 85602

Greetings, Richard,

At the direction of Cochise County Planning and Zoning, we are writing this Citizens' Review letter to you, our neighbor. Please think of this as our "five-year update."

The Ranch is currently running along with two homes full of children, two sets of house parents, and another on-site couple who assist wherever needed. The Ranch is a benefit to the at-risk children who come here. It is a joy to see the miracles of changed lives take place right before our eyes. Child Protective Services has seen our success and is relieved to know The Ranch's priority is to ready more homes for children as soon as possible. There is a waiting list of children who need this place.

Our original intent – and continued hope – is to house Arizona's needy children in on-site built homes. However, we have been able to get started in sheltering homeless children because of the affordability of mobile homes. Not only are they less costly and quicker to install, but they are able to flex with the movement of our shifting desert.

This is not a mobile home park. It is a community of mobile homes that are placed at angles from one another. Each home is a good distance from the others. A grassy area is centrally located between the homes – an area where the children play. The serene setting immediately soothes the children who arrive from turbulent situations.

Because the Ranch has grown in ways we did not fully anticipate initially, we must go forward with a different approach for Ranch development. This means The Ranch is required to modify our approved Special Use at a public hearing before the Planning Commission. We are aiming for a date of August 8th for this. If you have any comments, please get them to me by June 29.

Please come by for a tour. It is our pledge to you that The Children's Ranch will do for this land what is does for children – improve their lot day to day. Whether it is site-built homes or mobile homes, The Ranch will continue to take great care of what the Lord has entrusted to us. Come see. You won't be disappointed.

Because of Amazing grace,

Ana J. Lucore
Executive Director.

21 D

SPECIAL USE: Docket SU-08-17A (Lucore)

COCHISE COUNTY

JUL 16 2012

PLANNING

 YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

*they recently had the property
for sale. they do not have a legal
easement to the property.
there has been added vandalism in the
area since they opened.
also their one truly is right on the ^{property}
line with the golf course.*

(Attach additional sheets, if necessary)

PRINT NAME(S):

Michael Klein, Peggy Klein, Mikayla Klein

SIGNATURE(S):

Michael Klein, Peggy Klein, Mikayla E. Klein

YOUR TAX PARCEL NUMBER: 123-37-003 (the eight-digit identification number found on the tax statement from the Assessor's Office)

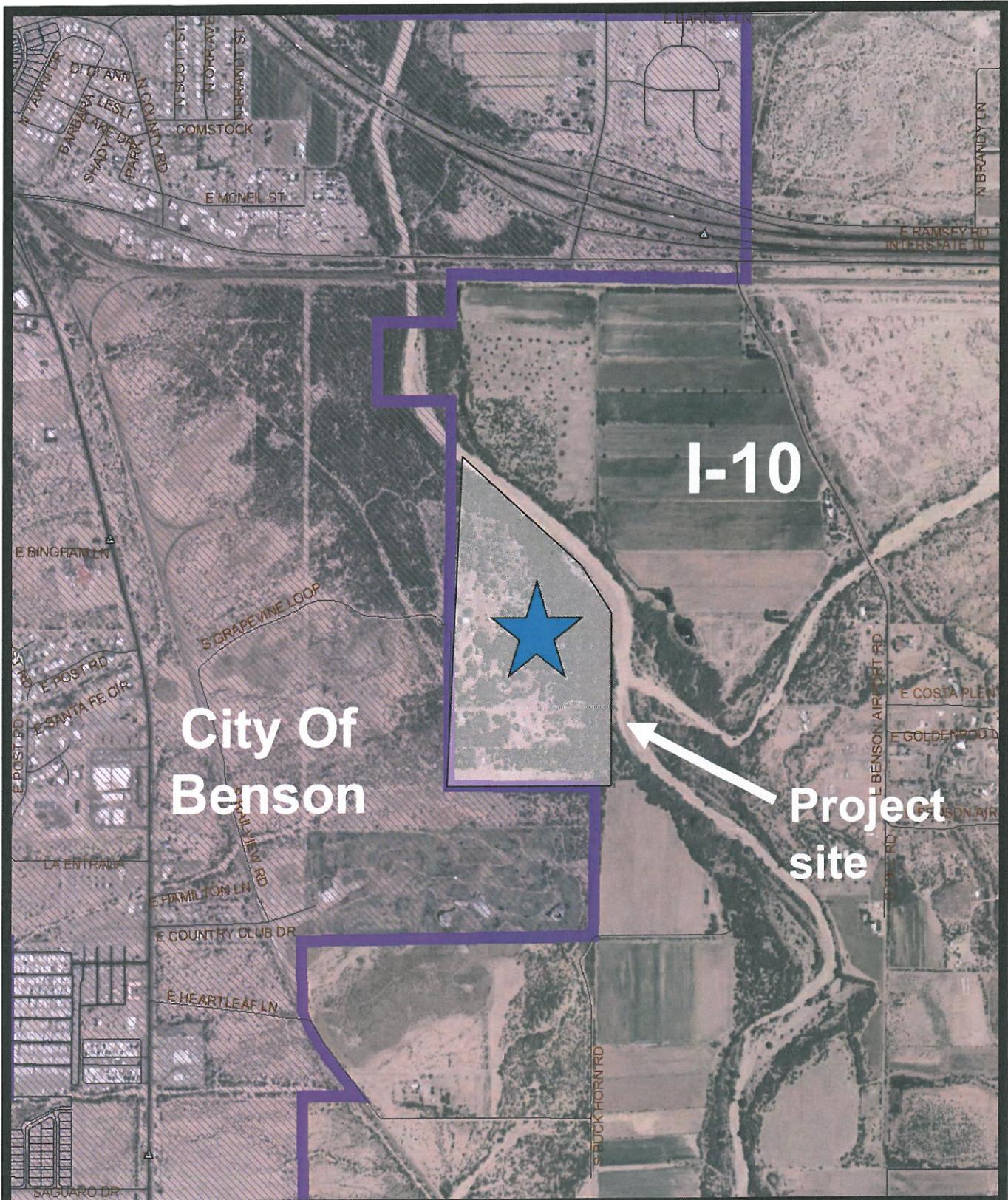
YOUR ADDRESS 1220 E. HEARTLEAF LN. Benson

Upon submission of this form or any other correspondence, it 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 Monday, July 30, 2012 if you wish the Commission to consider them before the 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

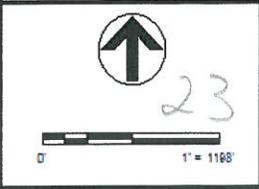
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
Fax: (520) 432-9240

22 D



SU-08-17 (Lucore)
Location Map

This map is a product of the Cochise County GIS



E



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

MEMORANDUM

TO: Planning and Zoning Commission

FROM: Michael Turisk, Planning Manager

SUBJECT: Docket CP-12-01/Z-12-05 (Martin)

DATE: July 26, 2012 for the August 8, 2012 Regular Meeting

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT AND REZONING

The applicant has requested a Comprehensive Plan amendment from the existing designation of NC (Neighborhood Conservation) to DEV (Developing) to facilitate rezoning the 6.3 acre subject parcel from TR-36 (Transitional-Residential; minimum lot size 36,000 sq.-ft. to GB (General Business). The property is located approximately .7-mile north of Mustang Corners in Whetstone, on the corner of SR90 and E. Hamel Rd. The Applicant is Bill Martin of Madera Realty in Tucson.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Current Zoning: TR-36
Proposed Zoning: GB
Parcel Size: 6.3 acres
Existing Growth Area: Category B (Community Growth Area)
Existing Plan Designation: NC (Neighborhood Conservation)
Existing Development: None
Proposed Uses: Unspecified Commercial Use(s)

SURROUNDING ZONING

Relationship to Subject Parcel	Zoning District	Use of Property
North	GB	commercial and residential
West	RU-4; MH-72	SR90; residential; some undeveloped land
South	TR-36	residential; some undeveloped land
East	TR-36	residential



View northward to subject property. SR90 is to the left.

II. PARCEL HISTORY

There are no records of history for the subject parcel.

III. NATURE OF REQUEST AND ANALYSIS OF IMPACTS

Comprehensive Plan Amendment

The Applicant has requested rezoning the 6.3-acre subject parcel from TR-36 to GB. However, in order to obtain GB rezoning, an amendment to the Cochise County Comprehensive Plan (Plan) must first be approved to change the Neighborhood Conservation (NC) designation to Developing (DEV), as GB zoning isn't permitted in the NC Plan areas. The subject parcel is located approximately .7-mile north of Mustang Corners (SR90 and 82) in the Whetstone area, an area not covered by an adopted area plan. The Applicant has submitted this request to enable a future purchaser to pursue commercial activities that have yet to be determined. This request constitutes a *minor* Comprehensive Plan Amendment.

25

Plan Designations represent the broad parameters for delineated land use in the Comprehensive Plan. The Plan indicates that the creation of new zoning districts must be consistent with the character and intent of the Plan Designation or Growth Area in which the site is located.

The Comprehensive Plan Growth Area Categories and Designations are designed to provide a measure of protection to the existing character of an area. Section 302 of the Plan indicates that it may be occasionally amended; however, an amendment must be justified by citing specific examples of existing or future growth patterns that do not support continuing the pattern implied by the existing Area Category or Designation.

The subject parcel is designated Neighborhood Conservation (NC); this designation is a reflection of the overall residential character of the surrounding area, and is intended to provide a measure of protection from proliferating non-residential (commercial) uses. However, large areas to the west (across SR90) and south are designated Developing (DEV), and there is precedent for commercial zoning and activity in the general area. Established residential and rural-residential uses are also in the area, especially to the north and east. SR90 is to the west, with residential properties and undeveloped land beyond.

A large portion of the subject area lies within a Category B Growth Area, areas described by the Plan as having a moderate level of residential and/or non-residential growth. Furthermore, Category B Growth Areas serve as a logical transition between urban growth and rural areas and/or has a distinctive community identity. These areas also have adequate water, access, drainage and sewage disposal, improved streets designated as arterial or collectors that may support limited non-residential development, and have substantial potential for further development. A small acreage Plan amendment such as this implies that this is an appropriate location for commercial development, including associated infrastructure and services, as opposed to strictly or overwhelmingly continuing residential land uses in the area.

Although a Plan amendment to Developing would not entirely be in keeping with the established, largely residential and rural-residential character of the area, because of the property's proximity to another GB district and SR 90, and large areas designated Developing to the south and west across SR90, a change to Developing would not be inappropriate.

The Comprehensive Plan suggests that a small acreage plan amendment such as this may not be supported, because once established, a precedent is set to request additional plan changes in proximity to the original request thus potentially significantly changing patterns of growth. Based on this it may be necessary to expand the size of the amendment area to encompass a logical plan amendment area rather than approve a spot amendment designed to accommodate a single parcel rezoning. The Commission, in the future, may wish to consider a Comprehensive Plan change that would better reflect the anticipated potential for commercial development along the east side of the SR 90 corridor under the County's jurisdiction.

Summary of Compliance with Rezoning Factors

Section 2208.03 of the Zoning Regulations provides 14 rezoning evaluation factors. Most of the factors are not applicable at this time largely due to the speculative nature of the request.

Land Use/Concept Plan – Does not comply

The Zoning Regulations requires a concept plan be submitted as part of a rezoning application.

Due to the uncertainty regarding the commercial use(s) for the site, a concept plan showing future improvements was not submitted. As indicated, the Applicant wishes to rezone the site to make it more attractive to prospective buyers interested in establishing a commercial use.

Compliance with Applicable Site Development Standards - Would likely comply

The property is large enough at 6.3-acres for most permitted uses in the GB districts to be able to comply with applicable site development standards. Full compliance would be determined upon submittal of a commercial permit application:

Setbacks: The minimum setback for all permitted structures and uses in the GB districts abutting TR districts is 40 feet or 20 feet from each road travelway. The subject parcel abuts a GB-zoned property to the south – the minimum setback along that property boundary would only be 5 feet. For Special Uses, however, the minimum setback doubles.

Screening: The Zoning Regulations requires 6 foot high solid screening between GB uses and residential uses.

Noise/Vibration/Odors and Other Nuisances or Emissions beyond the Site Boundary: Noise, vibration and odors are offsite impacts that potentially impact neighboring residential areas. If a proposed non-residential use would generate noise, vibrations and/or odors beyond which is permitted, the use must comply with Sections 1203.06-1203.09 of the Zoning Regulations which govern such off-site impacts.

Adjacent Districts Capable of Development - Complies

This rezoning would not render any adjacent parcel or district incapable of reasonable development.

Limitation on Non-conforming Uses - Complies

This rezoning would not create any non-conforming uses if approved.

Compatibility with Existing Development – Somewhat complies

Area development consists of primarily residential uses. There is a parcel zoned GB to the north, and other commercial zoning and uses exist farther south nearer to Mustang Corners. The request does not appear fully compatible with the primarily existing residential character of surrounding development. However, there is one parcel zoned GB abutting the subject property to the north, so approval of this request would not result in an isolated rezoning, a practice discouraged under Article 102.1.A.10.d of the Comprehensive Plan. The property's location along a major State Highway and less than a mile from established commercial uses constitutes a factor in favor of approval.

Rezoning to More Intense Districts – Somewhat complies

There isn't what might be considered a reasonable transition or buffer between the adjacent residential uses and this proposed GB rezoning. However, this request would create an extension of an existing GB district.

Adequate Services and Infrastructure - Complies

Adequate utility and infrastructure services appear to be available to the subject parcel for non-residential uses, and the submitted application indicates that Whetstone Water and the SSVEC would provide water and electric, respectively.

There is no natural gas service to the site, and an onsite septic system would be designed and permitted for the specific commercial use(s). Fire protection is provided by the Whetstone Fire District.

Traffic Circulation Criteria and Development Along Major Streets - Complies

Access to the subject parcel is via SR90 and E. Hamel Rd., a County-maintained unimproved road. E. Hamel also provides access to the rural-residential community to the east and north of the subject parcel. Comments from the County's Transportation Planner indicate that no improvements would be required at this time. Estimating the level of non-residential traffic is difficult at this time because the Applicant has not specified the nature of any non-residential use(s) (*see attached memo from the County Transportation Planner*). Traffic mitigation would be determined at the non-residential permit phase. Improvements to SR90 may include turning lanes and/or acceleration/deceleration lanes and medians. The access point located along E. Hamel Rd. would likely need improvement as well.

Section 102.B3.a of the Cochise County Comprehensive Plan states:

Non-residential development shall be discouraged from accessing directly onto streets that primarily serve residential areas;

Approval of this rezoning request would possibly impose non-residential use traffic into a residential area. However, the subject property lies west of the established residential area, an area most likely to be impacted due to its proximity to the subject parcel. Access would be taken primarily from SR90, so non-residential traffic would likely not encroach eastward into residential areas because traffic would generate from the west.

Infill – Not applicable

In order to limit non-residential sprawl, rezonings to GB, LI or HI are typically considered reasonable as infill only when the subject area is located within an existing Enterprise or Enterprise Redevelopment Comprehensive Plan designation. The subject parcel does not have this plan designation, therefore this request is not considered to be an infill development.

Water Conservation – Not applicable at this time

These parcels lie outside of the Sierra Vista Sub-Watershed Overlay Zone. If approved, any non-residential use would have to comply with the County water conservation measures as outlined in Section 1820 of the Zoning Regulations.

Public Input - Complies

Per the requirements of Article 22 and the Citizen Review Process, the applicant sent notice of the proposed Comprehensive Plan Amendment and Rezoning to property owners within 1,000 feet of the subject parcel boundaries. Two letters of support were received by the Applicant.

Official notice from the Planning Department was sent out at least 15 days prior to the Commission hearing to all property owners within 300 feet of the subject property. The property was posted and a legal notice was placed in the *Bisbee Observer*. To date, the Department has received one (1) letter of support and two (2) letters in opposition.

Hazardous Materials – Not applicable at this time

The use and/or storage of hazardous materials would be addressed at the commercial permit phase.

IV. SUMMARY

Despite the rather speculative nature of this request, a Plan amendment and rezoning from TR-36 to GB would likely not have significant impacts on the residential and rural-residential properties in the area, in part due to its location along a major highway, an area appropriate for General Business development. There is commercial zoning and activity in the general area as well. The residential areas nearby may actually benefit from a General Business district located close enough for their use.

Factors Favoring Approval

1. Precedent exists for commercial zoning in the immediate area;
2. The property lies along a major State Highway, a location appropriate for GB zoning;
3. There would be no immediate impacts to area residential and rural-residential properties; and
4. Three letters of support were received.

Factors Favoring Denial:

1. The subject parcel is in an area designated by the Comprehensive Plan as NC. This designation is intended to protect residential neighborhoods from a proliferation of non-residential uses;
2. The rezoning request may be considered speculative in nature; therefore, the type of commercial activities which would occur is uncertain, making a thorough analysis of potential impacts difficult; and
3. Two letters in opposition were received.

V. RECOMMENDATION

Based on the Factors Favoring Approval, the Planning Department recommends forwarding a *recommendation of conditional approval* of this Comprehensive Plan amendment and rezoning request to the Board of Supervisors (August 28th meeting). Please note that this will require two motions from the Commission, starting with the Comprehensive Plan amendment. The following condition is recommended:

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 Comprehensive Plan Amendment and Rezoning or the approval of the Amendment and Rezoning may be deemed void.

Sample Motions:

1. *Mr. Chairman, I move to recommend approval of Docket CP-12-01, a Comprehensive Plan Amendment changing the Plan Designation of the subject property from Neighborhood Conservation (NC) to Developing (DEV); and*
2. *Mr. Chairman, I move to recommend approval of Docket Z-12-05, rezoning the subject parcel from TR-36 to GB, with the Condition recommended by staff.*

ATTACHMENTS:

- 1) Comprehensive Plan and Rezoning Applications
- 2) Aerial/Vicinity Map
- 3) Staff Comments
- 4) Citizen Review Letter and Public Comments



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

APPLICATION TO AMEND THE COCHISE COUNTY COMPREHENSIVE PLAN

Applicant Name: Madera Realty + Mortgage-Defined Benefit Pension Plan
Mail Address: 5956 E. Pima St #100 Tucson, AZ 85712
Email Address: bill@madera.com
Phone Number(s): 520 325 2607 x12 / 520 241 0969
Parcel Number(s): 106-19-018
Parcel Address(es): N.E. corner I-90 + Hamel Rd
Whetstone
Date 6/4/12 Fee Paid: Yes No (Payable to Cochise County Treasurer)
(Application will not be processed until fee is paid)

FILL OUT THE REMAINDER OF THE APPLICATION - BE AS COMPLETE AS POSSIBLE - ATTACH ADDITIONAL SHEETS IF NECESSARY

1. Plan Amendments Proposed – If you seek a rezoning, it may require amendments to both the Cochise County Comprehensive Plan Growth Area Categories and Land Use Designations. It is advisable to work with a Planning Department staff planner to decide the necessary amendment (s).
 - a) Growth Area Amendment
Existing Growth Area Category B
Proposed Growth Area Category B
 - b) Land Use Designation Amendment
Existing Designation Neighborhood Conservation
Proposed Designation Developing
 - c) Existing Zoning TR-36 Proposed Zoning GB

"Public Programs, Personal Service"

www.cochise.az.gov

\\Mhas\planning and zoning\Division Depot\Planning Div Forms and Templates\Comp Plan Amend\Amend Comp Plan Application.doc

STAFF USE ONLY
 Is Growth Area/Plan Designation Compatible with proposed Zoning?
 Yes ___ No ___

2. Describe the location and boundaries of the proposed Plan Amendment(s). A rezoning request may only affect one parcel. Plan amendments, however, raise larger issues such as whether or not current or future growth patterns in an area are different than those indicated by the existing Growth Category and Designation. For this reason a plan amendment may involve evaluating a larger area than a specific site for a rezoning. If this is the case, the planner may request that the Plan amendment boundaries be expanded.

A. Major Street and Street Intersections: SR 90 and Hamel Rd
Northeast corner

B. Attach a map showing the boundaries of the proposed Amendment; label streets and other important landmarks such as Township, Range and Section lines.
 Map Attached: Yes No ___

3. Explain the reason that the proposed Plan amendment is justified. Growth Areas and Plan Designations are designed to give a measure of protection to the existing character of an area; for example, requiring that only residential uses and densities or neighborhood-oriented businesses develop in existing neighborhoods. To justify an amendment, it is important to cite specific examples of existing or future growth that do not fit with the pattern of growth implied by the existing Growth Area or Designation or to demonstrate that proposed new development is large enough to warrant a new Growth Area.

This parcel borders a GB zone to the north.
466 feet of frontage on SR-90
3-Phase power on site.
There are no GB zoned or similar zones
in the immediate area, to attract commercial users.

Applicant Signature: William Martin

Property Owner Signature (if not the Applicant): _____

Print Property Owner Name: William Martin

Date of signature of property owner: 6/5/12



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

COCHISE COUNTY REZONING APPLICATION

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

1. Applicant's Name: William Martin Trustee, Madera Realty + Mortgage DBPP

2. Mailing Address: 5956 E. Pima St #100
Tucson, AZ 85712
City State Zip Code

3. Telephone Number of Applicant: (520) 325 2607 x12

4. Telephone Number of Contact Person if Different: (520) 241 0969 Mobile

5. Email Address: billm@madera.com

6. Assessor's Tax Parcel Number: 106 - 19 - 018 (Can be obtained from your County property tax statement)
3.7Ac. A portion of this tax code parcel!
See Map

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): N/A

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.

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: TR36

14. Indicate proposed Zoning District for Property: NB

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

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: None

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: _____

There is no development 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?
E Hamel Rd. direct access to site.

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

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? Subject to development plan.

23. Identify how the following services will be provided:

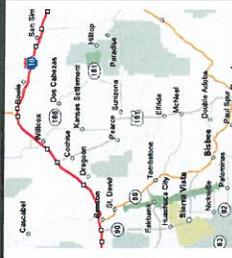
Service	Utility Company/Service Provider	Provisions to be made
Water	Whetstone Water	Available at lot line
Sewer/Septic	Septic	to be installed by user
Electricity	Sulphur Springs Electric	At lot line includes 3 phase power
Natural Gas	No	None
Telephone	Cox	At Lot Line
Fire Protection	Whetstone Fire	1 Block away. New service agreement w/ user.

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 Attachment.

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: Will M. Trustee Madera Realty
Date: May 22, 2012 + Mortgage DBPP.



This map is a product of the Cochise County GIS



Legend

- Parcels
- Subject Parcel

This document is a graphic representation only of best available sources. Cochise County assumes no responsibility for any errors.

36



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

Carlos de la Torre, P.E. Community Development Director

MEMORANDUM

TO: Keith Dennis, Senior Planner

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Martin Re-Zoning//Z-12-05//CP-12-01

DATE: July 11, 2012

The applicant is applying for a rezoning of from TR-36 to General Business within an area currently in the Comprehensive Plan as a Neighborhood Conservation designation. The applicant is also proposing a change of this designation to "Developing" with a possible future intention of offering this parcel to a commercial tenant or developer. No specific use has been proposed at this time.

Access is taken from Highway 90, then to Hamel Rd., a county-maintained primitive roadway with 60 feet of dedicated Right-of-Way in the Whetstone area.

Recommendation

Land use changes do not, in and of themselves, change traffic patterns; however, they do create conditions for future transportation impacts. This re-zoning seeks to change the character of the area from neighborhood scaled development to a higher intensity commercial use without giving any indication of what level that future commercial use might be. The range of traffic impact vary widely and the applicant may be required to address future traffic impacts with the submittal of a formal Traffic Impact Analysis that meet with both State and County approval along with any appropriate mitigation that might then be needed appropriate to the final site development plans.

The applicant is further advised that commercial scaled traffic may require mitigation on the adjacent state highway 90 that may include turning lanes, raised medians, acceleration and/or deceleration lanes. Mitigation may also be needed on the recommended access point on Hamel Rd., currently a primitive road. There are very few commercial uses for which a primitive road access is appropriate and it is likely that bringing that portion of Hamel Rd. up to County design standards for an access roadway may be needed.

As the applicant has not provided any specific type of commercial use a traffic analysis and comparison to currently approved land uses cannot be made. That being the case we can offer not specific recommendation for or against the proposed re-zoning.

cc: Docket Z-12-05/CP-12-01

2-12-05

COCHISE COUNTY

WILLIAM MARTIN, TRUSTEE
MADERA REALTY AND MORTGAGE DEFINED BENEFIT PENSION PLAN
5956 E. PIMA STREET SUITE 100
TUCSON, AZ 85712
520-325-2607 EXT 12

MAY 29 2012

PLANNING

May 3, 2012

Re: Rezoning parcel #106-19-018

Dear Neighbor:

I own several parcels of land indicated on the attached map exhibit "A" located on the northeast corner of Hamel Rd and Highway 90. I am offering the 3 residential lots for sale to perspective residential buyers. The remainder is a 3.737 acre parcel of land ("Parcel") which is the subject of this letter. I am marketing the Parcel to commercial users due to its proximity along Highway 90 at Hamel Rd.

The Parcel is currently zoned TR-36. TR-36 zoning allows for certain types of residential and commercial developments as described in attachment "B" entitled **R, Residential Zoning Districts**. Section 707 Special Uses on page 7-4 in exhibit B already allows for various types of commercial uses subject to the approval procedure in place with Cochise County. The dilemma I am faced with is as follows: When a building is constructed under a special use permit, it will have limited application to subsequent users due to the special use permit restriction. For example: If I sell to a health clinic user and they sell to a grocery store, a new special use permit is required to the new user. Therefore, in order to avoid re-visiting the issue at a later time under subsequent ownership, I intend on re-zoning the Parcel to Neighborhood Business (NB). See attached exhibit "C" entitled **NB, Neighborhood Business Zoning District**.

I am not developing the Parcel. Therefore, I have no building plans. I am not under contract with a buyer either. The proposed access to the site will be on Hamel Rd.

I am requesting your support and approval to re-zone the property to NB, neighborhood business. The property bordering the Parcel to the north is zoned GB, general business. By my rezoning this Parcel to NB there will be continuity in use along the highway. Once I sell the parcel, the development opportunity for the buyer will be straight forward under the zoning code without having to delay escrow by completing this process at a later time. I am being pro active in this regard.

I encourage your feedback, comments and suggestions. You may contact me at the number indicated herein. My email address is billm@madera.com. You can mail me your comments at the above address.

Thank you for listening and reviewing this rezoning case.

38

Best,



William Martin, Trustee,
Madera Realty and Mortgage Defined Benefit Pension Plan.

CC: Keith Dennis Cochise County

Attachments A, B and C

Turisk, Mike

From: Bill Martin [billm@madera.com]
Sent: Tuesday, July 24, 2012 11:01 AM
To: Turisk, Mike
Subject: Whetstone comp plan change and rezoning
Attachments: whetstonechurchofchristletter.pdf; letterofsupportfromschlosser.pdf

Mike:

Thank you for taking my call today. I am available to discuss any aspect of this request. I plan on attending the meetings on 8/8 and 8/28.

The following are people who have contacted me by phone or in writing concerning the comp plan and zoning change.

1. Festus Kahn owner of the 2.8 acre parcel to the north that is currently zoned GB called me to voice his support with the rezoning and will cooperate with me in the marketing of both properties together. The highway going south has left hand turn at his property. (520) 456-2755
2. Constance Schlosser letter see attached.
3. A letter of support from the Church of Christ minister Scott Dalrymple.
4. Mr. Pietro called me on May 8, 2012 after I sent out the first letter to neighbors. He said business is needed in Whetstone.

I have not received any negative comments from neighbors about my request.

The retirement plan has been owner this property for the past 15 years. The plan cannot develop property. During the ownership tenure, I have had many suitors who found their use of the property to conflict with the current zoning. They were not inclined to go through the re-zoning process due to timing and uncertainty. This rezoning will initiate interest from commercial users again.

Thank you. Bill Martin

William Martin
Madera Financial
5956 E. Pima Street suite 100
Tucson, AZ 85712
(O)520-325-2607 ext 12
(F)520-325-5054
(M)520-241-0969

40

12 June 10, 2012

William Martin, Trustee
Madera Realty and Mortgage
5956 E. Pima Street, Ste. 100
Tucson, AZ 85712

RE: Citizens Review Rezoning and Plan Designation Amendment Parcel #106-19-018, I-90 and Hamel Rd.

Dear Mr. Martin,

The Whetstone Church of Christ is not opposed to your request for a General Business re-zoning classification.

Sincerely,



Scott Dalrymple
Minister, Whetstone Church of Christ
PO Box 4885
Huachuca City, AZ 85616

PO Box 4206
Huehuetla City
85616
May 21, 2012

Dear Mr. Martin,

I lived on Harnel Road from 1967 until I sold in 2004. During that entire time that parcel along 90 has been for sale. I hope your plans work out. It will be good to see something other than brush and grass in that area.

Sincerely,

Constance Schlosser

**COMPREHENSIVE PLAN AMENDMENT/REZONING:
Docket CP-12-01/Z-12-05 (Martin)**

 YES, I SUPPORT THIS REQUEST.

Please state your reasons: We CAN use all the businesses
we CAN get, both for the TAX AND for the employment.

 NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): JAMES Demuth _____

SIGNATURE(S): James Demuth _____

YOUR TAX PARCEL NUMBER: 10616034 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 2424 Calle Segundo H.C. 85616

Upon submission of this form or any other correspondence, it 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 Monday, July 30, 2012 if you wish the Commission to consider them before the meeting. We cannot 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: Michael Turisk, Planning Manager
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: mturisk@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY

JUL 20 2012

PLANNING

43

**COMPREHENSIVE PLAN AMENDMENT/REZONING:
Docket CP-12-01/Z-12-05 (Martin)**

YES, I SUPPORT THIS REQUEST

Please state your reasons:

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

We in Whetstone do not want any of these commercials Delaney's coming in and changing our land, into a Housing developpe messing up our Country living Area. Leave it the way. We all agreed to in the first place. Do not change any thing, leave it like it is. Do not change any thing.

(Attach additional sheets, if necessary)

PRINT NAME(S):

BEVERLY A. BACKES WARREN J. BACKES

SIGNATURE(S):

Beverly A. Backes Warren J. Backes

YOUR TAX PARCEL NUMBER:

10604029

(the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS

2387 N. Calle Visita, Huachuca City, AZ
PO Box 313 - Powell, AZ 85633

Upon submission of this form or any other correspondence, it 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 Monday, July 30, 2012 if you wish the Commission to consider them before the meeting. We cannot 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.**

COCHISE COUNTY

JUL 30 2012

PLANNING

44

**COMPREHENSIVE PLAN AMENDMENT/REZONING:
Docket CP-12-01/Z-12-05 (Martin)**

 YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

*This is an Residential Area
We in Wicketstone, don't want any of
those Commercial Developers coming
in and changing our land into a
Housing developer messing up our
Country living area.*

(Attach additional sheets, if necessary)

PRINT NAME(S): WARREN J. BACKES BEVERLY A. BACKES

SIGNATURE(S): Warren J Backes Sr Beverly A. Backes

YOUR TAX PARCEL NUMBER: 10604029 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 2387 N Calle Vista Huachoe City, Az
P.O. Box 313 - Powell, J/A 75153

Upon submission of this form or any other correspondence, it 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 Monday, July 30, 2012 if you wish the Commission to consider them before the meeting. We cannot 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: Michael Turisk, Planning Manager
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: mturisk@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY
JUL 30 2012
PLANNING

45

Turisk, Mike

From: Curt McMillan [miscel2@hotmail.com]
Sent: Saturday, July 28, 2012 10:42 AM
To: Turisk, Mike
Subject: Docket Z-12-05/CP-12-01 (Martin)

We are property owners on Parcel #106-19-32F 7 Roll Number: 0024808. We would object to re-zoning of parcel 106-19-018 to General Business. The area surrounding this parcel on the east side of Hwy. 90 is residential. Going north on Hwy 90 is businesses that consist mainly of junkyards, car repair shops, storage facilities, etc. Some of these commercial properties are empty and have had no leases and in addition, there is commercial property for sale on the west side of Hwy 90. We don't believe that just because there is acreage in an area that is not built up, that commercial properties should be allowed to build in a residential section. This will do nothing but devalue our property. The lot lines of this property adjoins our property. Having a marijuana field, auto shop, storage facilities or any other General Business facility will directly impact us. Most commercial property in this area is not abutted against someone's residential property and this is not the place to do this. The area should stay zoned as residential as that is what the majority of this area is around the property.

Curt and Terri McMillan
71 E. Hamel Road
Whetstone, AZ 85616



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Beverly Wilson, Senior Planner *low*
For: Michael Turisk, Planning Manager
SUBJECT: Docket SU-12-09 (Grover)
DATE: July 23, 2012 for the August 8, 2012 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant seeks Special Use Authorization to legitimize an existing building currently used for tool storage and engine repair on a 5-acre property in a RU-4 District (Rural; one dwelling per four acres). Repair services are allowed with a Special Use permit in the RU-4 Districts per Section 607.29 of the Zoning Regulations. The Applicant has constructed a 1,200-sq. ft. metal shop building, with a 20-ft. by 40-ft. lean-to on the property. The unaddressed parcel (Parcel #116-02-004L) is located off Burnie Lane, north of Ironwood Drive, northwest of Sunsites. The Applicant is Lloyd Grover.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 5.01-Acres
Zoning: RU-4 (Rural, 1 dwelling per 4 acres)
Growth Area: Category B – Community Growth Area
Plan Designation: High Density Residential
Area Plan: Mid-Sulphur Springs Valley
Existing Uses: Storage of tools and parts; occasional repair of engines
Proposed Uses: Same

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Agricultural
South	RU-4	Undeveloped Land
East	RU-4	Rural Residential
West	SR-22	AZ Sunsites- Undeveloped Subdivision

II. PARCEL HISTORY

A permit for the construction of the metal building was issued on August 11, 2009 for storage and septic only.



This photo shows the metal building used to store tools and parts for Mr. Grover's repair services business.

III. PROJECT DESCRIPTION

The Applicant planned to build a home on this parcel when the permit was issued for the septic and the metal building in August 2011. However, the Applicant's current home has not sold, and in the meantime he began to work on miscellaneous farm equipment repairs for residents in the surrounding area. The repairs generally occur off-site in surrounding farm fields, as needed, and this building is used to store tools and miscellaneous parts needed for the business. He is seeking a Special Use Permit in order to legitimize this business.

IV. COMPLIANCE WITH SPECIAL USE FACTORS (SECTION 1716.02)

Section 1716.02 of the Zoning Regulations provides a list of 10 factors with which to evaluate Special Use applications. Staff uses these factors to help determine 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 10 criteria apply to this request. The project complies with eight factors, one factor complies with conditions and waivers, and one does not comply.

A. Compliance with Duly Adopted Plans: Complies

The project complies with the Category B (Community Growth Area) as provided by the Cochise County Comprehensive Plan, in that it is located on the fringe of an area of residential development with large farmed parcels adjacent. This repair services business serves the larger rural/agricultural community in the Sulphur Springs Valley.

The subject property is located in the Mid-Sulphur Springs Valley Area Plan adopted in 1999. The Plan designated this area of Sunsites as “High-Density Residential”, in part due to the Arizona Sunsites #4 subdivision in the vicinity (an old plat that never built out as intended) and at the time the area plan was crafted an influx of residential development was anticipated. However, despite this, the character of development in this portion of Sunsites remains agricultural and rural/rural-residential in nature, thus the proposed use would be in keeping with existing local character and would continue to serve the surrounding agricultural community. Policy 3 of the Mid-Sulphur Springs Plan indicates that “Special Uses should be considered that provided support services for agriculture...”

B. Compliance with the Zoning District Purpose Statement: Complies

The proposal complies with the Rural Zoning District purpose statements as found in Section 601 of the Zoning Regulations. The repair services business is the type of non-residential activity needed in this farming area. By virtue of its mobility, in that the applicant travels to his customers’ properties to repair equipment, his business is in keeping with the character of the area and its Rural *Comprehensive Plan* designation.

C. Development Along Major Streets: Not Applicable

The site is not located on any major streets.



This photo was taken looking towards the east at the closest neighbors.

D. Traffic Circulation Factors: Complies

Primary access to the site is from Burnies Lane, a non-County maintained roadway. The easement for Burnies Lane was established through the plat for the Arizona Sunsites #4 Subdivision located directly to the west of this parcel.

E. Adequate Services and Infrastructure: Complies

The Applicant currently hauls water to the site in small containers for washing, and electricity is on-site. The Sunsites Fire District provides emergency services and fire protection.

F. Significant Site Development Standards: Complies (with Requested Waivers and Condition #4)

Site development standards including setbacks, site coverage, distance between buildings, maximum height, and maximum site coverage may be met. However, the Applicant is operating a small business surrounded by vacant, undeveloped, and/or agricultural lands. The Category B designation and the Area Plan's designation of 'High Density Residential' do not reflect the existing development of the subject parcel and surrounding area. Staff recommends that the following waivers be considered, as requiring compliance with the full suite of site development standards would be onerous considering the nature, scope and location of the activity, and the fact that the business is not open to the public. Furthermore, despite this area being designated "High-Density Residential" by the Mid-Sulphur Springs Valley Area Plan, the on-the-ground development is rural in nature; imposing more urban-conscious site development standards is unnecessary provided that the Applicant adheres to the proposed condition of approval that this business will not be open to the Public. A request from the Applicant is attached (See attachment D). The staff-supported waivers include the following:

1. Waiver of the 2" minimum gravel requirement for the entry drive and parking areas per Section 1804.
2. Modification of the 24-foot driveway requirement and the defined entry requirements to permit the existing driveway, per Section 1804.
3. Waiver for 5% landscaping requirement in the Category B area per Section 1806.
4. Waiver for the screening requirements in the Category B area per Section 1805.
5. Waiver of the Private Maintenance Agreement for private roads and for permanent legal access for a non-residential use required per Section 1807.

However, at the permitting phase the Applicant would be required to comply with all Health Department and Highway and Floodplain Department requirements.

G. Public Input: Complies

The Applicant completed the Citizen Review Report as required. A copy of the letter sent to neighboring property owners is attached, as well as one letter of support for the project.

H. Hazardous Materials: Complies

The Applicant submitted the following information regarding hazardous materials used, including a gas cylinder attached to the wall of the metal building used for welding. A waste oil company removes and disposes of all used oils.

I. Off-site Impacts: Complies

The Applicant has sited this building a significant distance from the property lines of the five-acre site; in doing so any off-site impacts generated by the repair service business would be

significantly mitigated. The Applicant does not plan to install outdoor lighting. Storm water run-off should not be of concern as less than one-acre was cleared for the construction of this building.

J. Water Conservation: Complies

Water use for the repair services activities would be minimal. There is no planned landscaping or water features for this project.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300 feet. Staff posted the property on July 12, 2012 and published a legal notice in the *Bisbee Observer* on July 19, 2012. To date, the Department has received one letter supporting the Special Use request.



This is the gated driveway into the parcel. Curry's pepper fields are to the left in this photo.

VI. SUMMARY

Factors in Favor of Allowing the Special Use

1. The proposed Special Use would legitimize a repair services business that caters to area farmers and ranchers and is one that is appropriate in the RU-4 zoning district.
2. The project complies with eight of the ten applicable Special Use Factors. One of the Factors would comply with conditions and requested modifications.
3. Despite the property being designated by the Mid-Sulphur Springs Valley Area Plan as "High-Density Residential", the existing character of the area is agricultural and rural/rural-residential.

4. One neighboring property owner supports the request.

Factors Against Approval

1. The Special Use is requested in order to avoid a violation of the Zoning Regulations.

VII. RECOMMENDATIONS

Based on the factors in favor of approval, Staff recommends **approval** of the Special Use request, with the following conditions:

1. Within thirty (30) days of approval of the Special Use Permit, 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 submit and obtain a building/use permit for all buildings within 60 days of approval, including a completed joint permit application. The building/use permit shall include a site plan in conformance with this approval, and meeting all site development standards except as modified, the completed special use permit questionnaire, and appropriate fees. A permit must be issued within 12 months of the special use approval, otherwise the special use approval 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. Any changes to the approved special use shall be subject to review by the Planning Department and may require a modification and approval by the Planning and Zoning Commission.
4. The use/facility will not be open to the public.

VIII. REQUESTED MODIFICATIONS AND WAIVERS OF SITE DEVELOPMENT STANDARDS

The Applicant requests the following modifications and waivers:

1. That the requirement for 2” of gravel for the entry drive and parking areas per Section 1804 be waived.
2. That the requirement for the 24-foot driveway and the defined entry requirements per Section 1804 be modified to allow the existing driveway width.
3. That the requirement for 5% landscaping in the Category B area per Section 1806 be waived.
4. That the requirement for screening in the Category B area per Section 1805 be waived.
5. That the requirement of a Private Maintenance Agreement for private roads and for permanent legal access for a non-residential use required per Section 1807 be waived.

52

Sample Motion: *Mr. Chairman, I move to approve Docket SU-12-09 based on the Factors in Favor of approval as findings of fact, with the conditions of approval and requested modifications and waivers of site development standards as recommended in the staff report.*

IX. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Site Plan
- D. Request for Waivers
- E. Citizen Review Report

Needs an address



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning & Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
Fax 432-9278

*mobile mechanic
Repair Services 607.29*

54-12-09

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

TAX PARCEL NUMBER: 116-02-004 L ZONING DISTRICT Ru 4

APPLICANT: Lloyd E. Grover

MAILING ADDRESS: P.O. Box 305 Pearce, Az. 85625

CONTACT TELEPHONE NUMBER: 520-507-0347

PROPERTY OWNER (IF OTHER THAN APPLICANT): _____

ADDRESS: on Bernie lane - (no address because there is no house)

DATE SUBMITTED: 6.20.12

Special Use Permit Public Hearing Fee (if applicable)	\$ <u>300</u>
Building/Use Permit Fee	\$ _____
Total paid	\$ <u>300</u>

520-609-8123 Wilma Grover

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (9) 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. (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. Citizen Review Report, if special use.

54
A

6. 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.)
7. 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? Storage of Tools + Parts
for off premise work - Some or rebuilding of engines
and specialized repairs of equipment
2. What is the proposed use or improvement? Same use
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? Storage - Rebuilding
and repairing large equipment ie farm machinery. No impact
on neighboring properties.

4. Describe all intermediate and final products/services that will be produced/offered/sold.

Repaired equipment

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)

Mueller Steel

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: 6 Hours (from 7 AM to 5 PM)

B. Number of employees: Initially: 0 Future: 0
 Number per shift Seasonal changes _____

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.
 Approx. 6

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

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?
 North + South on Bernies Rd. between Ironwood + Curry

(4) If more than one direction, estimate the percentage that travel in each direction
 100% Farm

(5) At what time of day, day of week and season (if applicable) is traffic the heaviest
 Mornings 6 days a week April thru Oct.

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

Estimated total gallons of water used: per day 5 per year 1500

E. 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.

F. 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.

Does your parcel have access from a (check one):
 private road or easement**
 County-maintained road
 State Highway

**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.

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

Attached NA

H. Identify how the following services will be provided:

Chaul water for hand washing + to flush toilet

Service	Utility Company/Service Provider	Provisions to be made
Water	<i>Container</i>	
Sewer/Septic	<i>On site</i>	
Electricity	<i>SSVEC</i>	
Natural Gas	<i>None</i>	
Telephone	<i>None</i>	
Fire Protection	<i>Pearce-Sunsite Fire Dept</i>	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Temporary parking of Equipment to be repaired
Some repair of Equipment

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? _____

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)

None

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 Community Development, Planning, Zoning & Building Safety Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site is one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

None

2. How many acres will be cleared? 1/3 (5 acres total)
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

Does the proposed use involve hazardous materials? These can include paint, solvents, chemicals and chemicals wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, or biological agents. Engine repair, dry cleaning, manufacturing and all uses that commonly use such substances in the County's experience require completion of the attachment.

No Yes If yes, complete the attached Hazardous Materials Attachment. Engine repair, manufacturing and all uses that commonly use such substances in the County's experience also require completion of the attachment.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) 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 *Hayd E Seary*

Date signed 6-9-12



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning & Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Hazardous Materials Attachment

Firm's current name: Lloyd's Mechanical LLC

Current location: Bermies Rd.

Fire district: Pearce / Suenite

Nearest main intersection with street names: Ironwood + Bermies

Distance: 1/2 miles Direction: North

Firm's previous location(s)

Previous name(s) of firm/operation: _____

Previous location(s): _____ Date(s): _____

Previous compliance/accident history: _____

Date(s): _____

1. List hazardous and polluting materials (including raw materials, products, wastes, emissions, discharges, etc.) that will be brought to, stored, manufactured, produced, generated, processed or otherwise used at or released or transferred from the site and the quantities you will store. Material Safety Data Sheets (MSDS) are required for all such substances.

Material _____ Quantity _____

Material _____ Quantity _____

Material _____ Quantity _____

Material _____ Quantity _____

2. How will substances be stored? (For example, automotive batteries require impervious flooring, flammables require NFPA 30 cabinets, gas cylinders need restraints, and many chemicals have specific requirements, such as secondary containment areas for liquids. These requirements are found in the MSDS or can be requested from ADEQ.)

Gas ~~can~~ cylinder chained to wall
No other substances stored

"Public Programs, Personal Service"

www.cochise.az.gov

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3. What methods will ensure proper containment during use or ventilation? (Waste and by-products as well as substances have specific needs to control damage from those products.)

4. Is any welding being performed and where? (Flammables must be kept away from sources of ignition such as electricity, arcs, sparks, hot metal or open flame. Gas cylinders must be secured.)

Yes Inside

5. How will waste/ excess substances be disposed of? (Commercial operators may not use the County transfer stations' hazardous waste program. They handle only household materials.)

AAA waste oil, inc. removes used oils

6. What evacuation, treatment and notification will be made if there are any releases to groundwater or air? (Notification may be required to the Sheriff's Department, adjacent neighborhoods, State Fire Marshal, local fire district, ADEQ, and/ or EPA.)

Signature *Noyd E. Snowey*

Date *6-19-12*

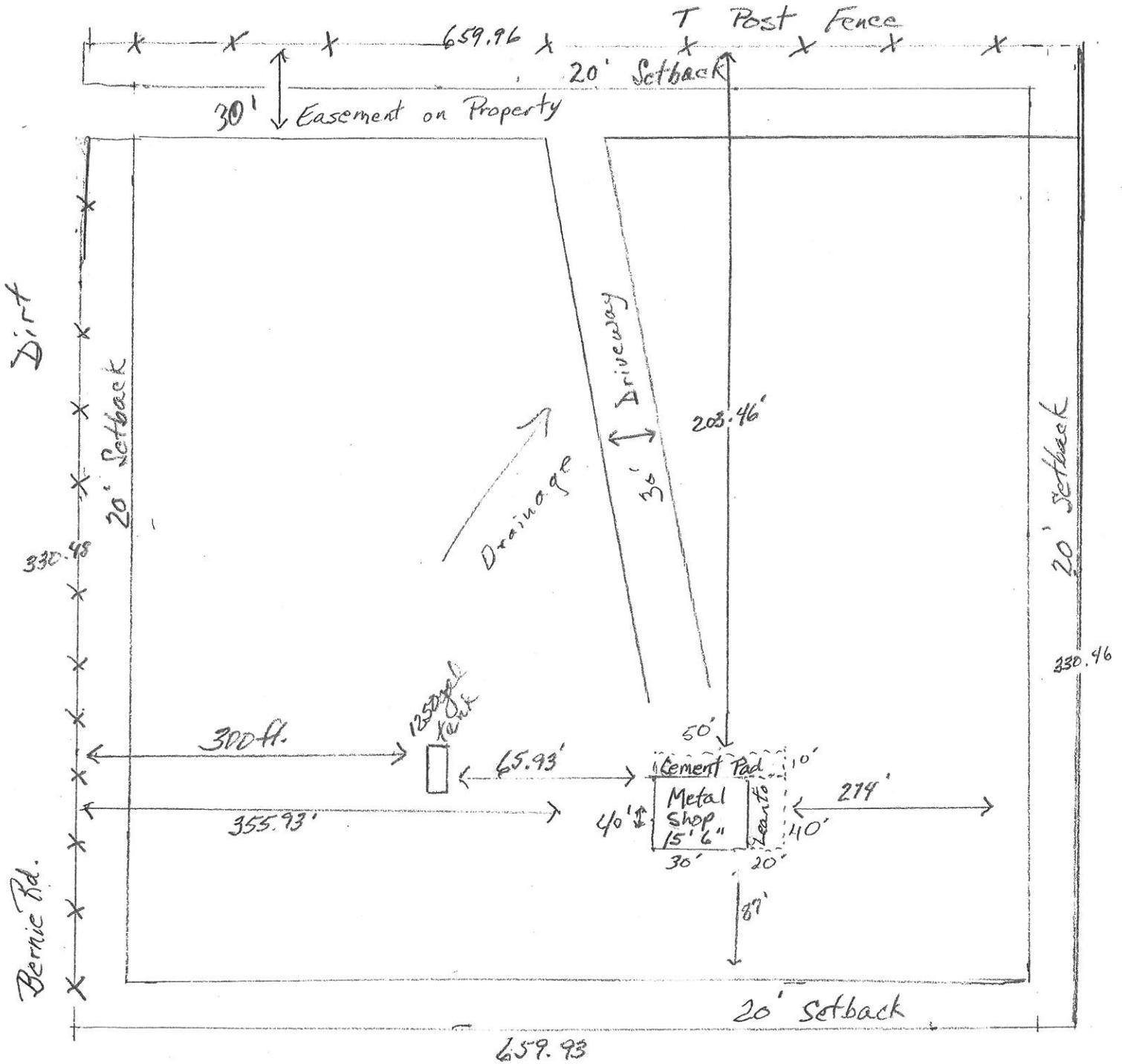
62 A

Lloyd Grover

116-02-0442

Not to Scale

520-507-0347



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6-11-12

Wilson, Beverly

From: Wilma Grover [williedgrover@yahoo.com]
Sent: Sunday, July 29, 2012 7:10 PM
To: Wilson, Beverly
Subject: Request for the following waivers / 5 acres Bernies Rd Pearce, Az.

Please waive the following site standards, as we do not intend to open this building to the public. The waivers are for:

1. Waiver of the 2" minimum gravel requirement for the entry drive and parking areas per Section 1804.
2. Waiver for the 24-foot driveway requirement and the defined entry requirements per Section 1804.
3. Waiver for 5% landscaping requirement in the Category B area per Section 1806.
4. Waiver for the screening requirements in the Category B area per Section 1805.
5. Waiver of the Private Maintenance Agreement for private roads and for permanent legal access for a non-residential use required per Section 1807.

Thank you for your consideration in this matter.

Lloyd Grover

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CITIZEN REVIEW REPORT

32 Letters Mailed April 4, 2012

Negative responses	0
Positive responses	
By mail	1
By phone	3
In person	2
No Response	26

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APRIL 2, 2012

**YOU ARE INVITED TO SUBMIT COMMENTS ON THE
REQUEST TO CHANGE THE USE OF MY PROPERTY**

THE PROPERTY IS ON THE CORNER OF N. BERNIES LANE AND CURRY FARMS.

THE INTENT IS TO USE THE EXISTING SHOP ON THE PROPERTY AS PART OF A "LARGE EQUIPMENT" REPAIR BUSINESS.

THERE WOULD BE MINIMAL TRAFFIC FLOW SINCE;

- 1) THE BUILDING IS NOT OPEN TO THE PUBLIC
- 2) A LARGE PORTION OF THE WORK IS DONE "OFF PREMISE" MAKING THE BUILDING MORE FOR STORAGE THAN REPAIR OF EQUIPMENT.

THE ATTACHED DRAWING WILL BE OF HELP TO SEE THE LOCATION OF THE PROPERTY IN RELATION TO YOURS.

I WOULD BE HAPPY TO MEET WITH YOU. PLEASE LET ME KNOW IF YOU WOULD LIKE TO ARRANGE A MEETING.

**YOUR INPUT IS IMPORTANT TO ME.
I LOOK FORWARD TO HEARING FROM YOU.**

TO MAKE SURE YOUR QUESTIONS ARE ANSWERED:
SUBMIT WRITTEN COMMENTS TO: LLOYD GROVER
PO BOX 305
PEARCE, AZ 85625

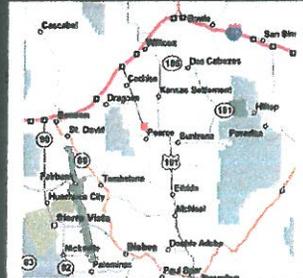
EMAIL COMMENTS TO : lloyd.grover@gmail.com

TO TALK TO THE PROJECT REPRESENTATIVE CALL LLOYD AT 520-507-0347

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Legend

- Townships
- Sections
- Incorporated Limits
- Roads
- Driveway
- Parcels
- Milepost
- Address
- Highlighted Features
- Current Features
- Buffer



Location Map

X = location of shop

This map is a product of the
Cochise County GIS

0" 1" = 711'

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SPECIAL USE: Docket SU-12-09 (Grover)

YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): JACKSON LIVING TRUST c/o FRANK & MARY JACKSON

SIGNATURE(S): 

YOUR TAX PARCEL NUMBER: 116-02-001F (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 3687 E. KALISPELL SIERRA VISTA, AZ 85650

Upon submission of this form or any other correspondence, it 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 July 25, 2012 if you wish the Commission to consider them before the 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: Beverly Wilson
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: bjwilson@cochise.az.gov
Fax: (520) 432-9240

COCHISE COUNTY

JUL 17 2012

PLANNING

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