

NOTICE OF MEETING

Planning and Zoning Commission
March 9, 2011
Cochise County Complex
Board of Supervisors Hearing Room
1415 W. Melody Lane, Building G
Bisbee, Arizona

AGENDA

4:00 P.M. CALL TO ORDER

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

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

(Also explain procedure for public hearing, i.e., after Planning Director's Report, Applicant will be allowed 10 minutes, other persons will each have 5 minutes to speak and Applicant can have 5 minutes for rebuttal at end.)

APPROVAL OF PREVIOUS MINUTES - (Call for motion to approve the minutes of the February 9, 2011 Meeting)

CALL TO THE PUBLIC (Ask if any member of the public wishes to speak on any item not already on the agenda).

NEW BUSINESS

Item 1 (Page 1) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket SU-04-16A: The Applicant seeks authorization for a Special Use Modification from the Planning and Zoning Commission. In 2004, the Commission authorized a Special Use (SU-04-16), allowing a property owners' association office on the property, per Section 906.12 of the Zoning Regulations (Civic, Social, Fraternal or Business Associations). The Commission approved at that time a 10-foot setback along the East side of the property. The Applicants are requesting a modification to this standard, to allow a 2-foot setback for the administrative building, situated along the East side of the property. The subject parcel (105-93-028) is located at 4817 S Apache Avenue, near Sierra Vista, Arizona.

Applicant: Kathy Hoffard of the Pueblo Del Sol Property Owners' Association.

- Call for PLANNING DIRECTOR'S REPORT
- Call for APPLICANT'S STATEMENT
- Declare PUBLIC HEARING OPEN
 - Call For COMMENT FROM OTHER PERSONS (either in favor or against)
 - Call for APPLICANT'S REBUTTAL (if APPROPRIATE)
- Declare PUBLIC HEARING CLOSED
- Call for COMMISSION DISCUSSION (May ask questions of the applicant)
- Call for PLANNING DIRECTOR'S SUMMARY AND RECOMMENDATION
- Call for MOTION
- Call for DISCUSSION OF MOTION
- Call for QUESTION

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 tonight 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 16) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket SU-04-01A: The Applicant seeks authorization for a Special Use Modification from the Planning and Zoning Commission. An RV Park with 2 spaces exists on the property, with associated shooting range, equestrian facilities and proprietors' residence. The Applicants propose to expand the use with the addition of 12 new RV spaces with electrical, septic and water utilities for the spaces. A laundry facility is also proposed, as is a new entry feature. The subject parcel (Parcel No. 104-21-022) is located 919 W. SR 82 in Tombstone AZ.

Applicants: Doug and Terri Evans of Tombstone Livery.

FOLLOW FORMAT FOR ITEM 1

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 tonight 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 48) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket SU-11-02: The Applicant seeks a Special Use authorization from the Planning and Zoning Commission for Manufacturing in a General Business District, per Section 1205.01 of the Zoning Regulations. The Applicant proposes to utilize an existing 3,600 square-foot building on a 7,314 square-foot parcel as a welding and powder coating operation. The subject parcel (Parcel No. 106-70-103) is located 108 N. 6th Street in Sierra Vista, AZ.

Applicant: Steve Murphy of Arc Works Welding.

FOLLOW FORMAT FOR ITEM 1

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 tonight 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 4 (Page 79) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket Z-11-01: A request to downzone a parcel of land from SR-43 (Single-Household Residential, minimum lot size 1-acre) to RU-4 District (Rural, minimum lot size 4-acres). The subject property (Parcel 206-21-194B) is approximately 4.3-acres in size and is currently undeveloped. It is located at the corner of N. Cochise Stronghold Rd. and W. Apache Way in Sunsites, AZ.

Applicants: Roger and Judith Teply.

FOLLOW FORMAT FOR ITEM 1

ANNOUNCE ACTION TAKEN - (If the Commission makes a recommendation, the Board of Supervisors meeting will be held on Tuesday, April 12, 2011 at or after 10:00 a.m. at the same location as the Commission meeting.)

Item 5 (Page 92) - Introduce Docket and advise public who the applicants are.

Public Hearing, Docket R-11-01: Pursuant to A.R.S. § 36-2806.01, consideration of an amendment to Article 18 of the Zoning Regulations to provide for site development standards and land use restrictions for medical marijuana dispensaries, growing facilities, and caregiver activities. Proposition 203 (Arizona Medical Marijuana Act) was passed by Arizona voters last November and allows residents in the state with specific medical conditions to be treated with certain amounts of marijuana. The addition of medical marijuana-related activities to Article 18 (Site Development Standards) would be

accompanied by text changes to Article 2 (Definitions) and amendments to various Zoning District Articles.

FOLLOW FORMAT FOR ITEM 1

ANNOUNCE ACTION TAKEN - (If the Commission makes a recommendation, the Board of Supervisors meeting will be held on Tuesday, March 15, 2011 at or after 10:00 a.m. at the same location as the Commission meeting.)

DIRECTOR'S REPORT ON PENDING AND RECENT MATTERS AND FUTURE AGENDA ITEMS

1. Board of Supervisors' Actions
2. Next and potential future month's Dockets

CALL TO COMMISSIONERS ON RECENT MATTERS

ADJOURNMENT

**COCHISE COUNTY PLANNING & ZONING COMMISSION
MINUTES**

Wednesday, February 9, 2011

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

ROLL CALL

Item 1- Election of Officers

Member Brofer nominated Jim Lynch as Chair

Motion: Nominate Jim Lynch as Chair of the Commission, Action: Nominate, Moved by Duane Brofer, Seconded by Ron Bemis.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).

Yes: Duane Brofer, Cruz Silva, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams.

Motion: Nominate Duane Brofer as Vice-Chair, Action: Nominate, Moved by Ron Bemis, Seconded by Jim Lynch.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).

Yes: Duane Brofer, Cruz Silva, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams.

Roll Call.

Present: Duane Brofer, Cruz Silva, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams.

Absent/Excused: Jim Martzke, Rusty Harguess.

Chair Lynch noted the presence of a quorum. He then introduced the Commissioners to the public. Chair Lynch then explained to the audience the procedures for considering a docket.

APPROVAL OF THE MINUTES

Commissioner Brofer asked that the wording be changed in the "Call to the Commissioners" that Chair Basnar did not resign, he came to the end of his term.

Motion: Approve the minutes as corrected, **Action:** Approve, **Moved by** Duane Brofer, Ron Bemis, **seconded.**

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 1).

Yes: Duane Brofer, Cruz Silva, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.

Abstain: Dan Abrams.

CALL TO THE PUBLIC

Chair Lynch opened the meeting to the public, being there was no one who wished to speak; Chair Lynch closed the "Call to the Public"

Item 2

Docket SU-11-01: Planner Keith Dennis presented the docket for a Special Use authorization from the Planning and Zoning Commission for a Cultural, Nature or Historic Exhibit, per Section 607.31 of the Zoning Regulations. A Bed and Breakfast exists on the property (Ash Canyon B&B). The Special Use would legitimize the use of the property by bird watchers, some of whom are B&B guests, as well as to members of the public not staying at the B&B. The Applicant proposes no new construction as part of the Application. The subject parcel (Parcel No. 104-21-022) is located 5255 E. Spring Road in Hereford, AZ. Mr. Dennis presented maps showing the location of the property, and photos of the area. He further explained factors in favor and factors against and that staff had received 7 letters in opposition and 3 letters in support, from inside the buffer area, and 20 from outside the buffer area.

Commissioner Abrams asked about the number of parking spaces.

Mary Jo Ballator, Applicant, she stated the B&B was started in 2002 because a rare hummingbird took residence on her property. She stated that the birds that live on her property are difficult to see except in Mexico. She stated she has no plans to expand her B&B, she is only requesting the Special Use to allow birder's to view the birds on her property. She further stated she was requesting a waiver from the condition requiring sanitary facilities.

Chair Lynch opened the meeting to the public.

Susan Ostrander stated she lives about 8 miles from the property, and that she hopes the neighbors can come to an understanding so Ms. Ballator will be allowed to continue to allow people to view birds.

Margaret Case stated she and her husband visited the property prior to moving here, and stressed the importance of ecotourism in Cochise County.

Anthony Batiste stated he lives about 3 miles from the property. He owns a B&B in the area also, and explained the economic impact that the birding industry has on Cochise County.

Art Douglas stated he owns the property next to the property, and he feels the property should not be open to the public, as it is a residential area.

Larry Kastens stated he maintains the Peterson property, and is speaking on their behalf. He stated there is a lot of traffic during peak hours.

Mary Jo Ballator acknowledged Mr. Douglas' statement that parking is inadequate, but cars park on the Peterson property because visitors think that is where they are supposed to park.

Chair Lynch closed the meeting to the public.

Planner Keith Dennis stated staff recommends approval of the Special Use with the conditions stated in the staff report.

Motion: Recommends approval with the conditions stated by staff excluding condition 4,

Action: Approve, **Moved by** Gary Brauchla, **Seconded by** Ron Bemis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Duane Brofer, Cruz Silva, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams.

PLANNING DIRECTOR'S REPORT

1. Community Development Director Carlos De La Torre announced the Board of Supervisors approved the Hazard Abatement Ordinance on February 8, 2011.
2. Mr. De La Torre announced the hiring of Michael Turisk as Interim Planning Director.
3. Next Month's Agenda includes 5 dockets.

CALL TO COMMISSIONERS

ADJOURNMENT

Motion: Action: Adjourn, **Moved by** Ron Bemis, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

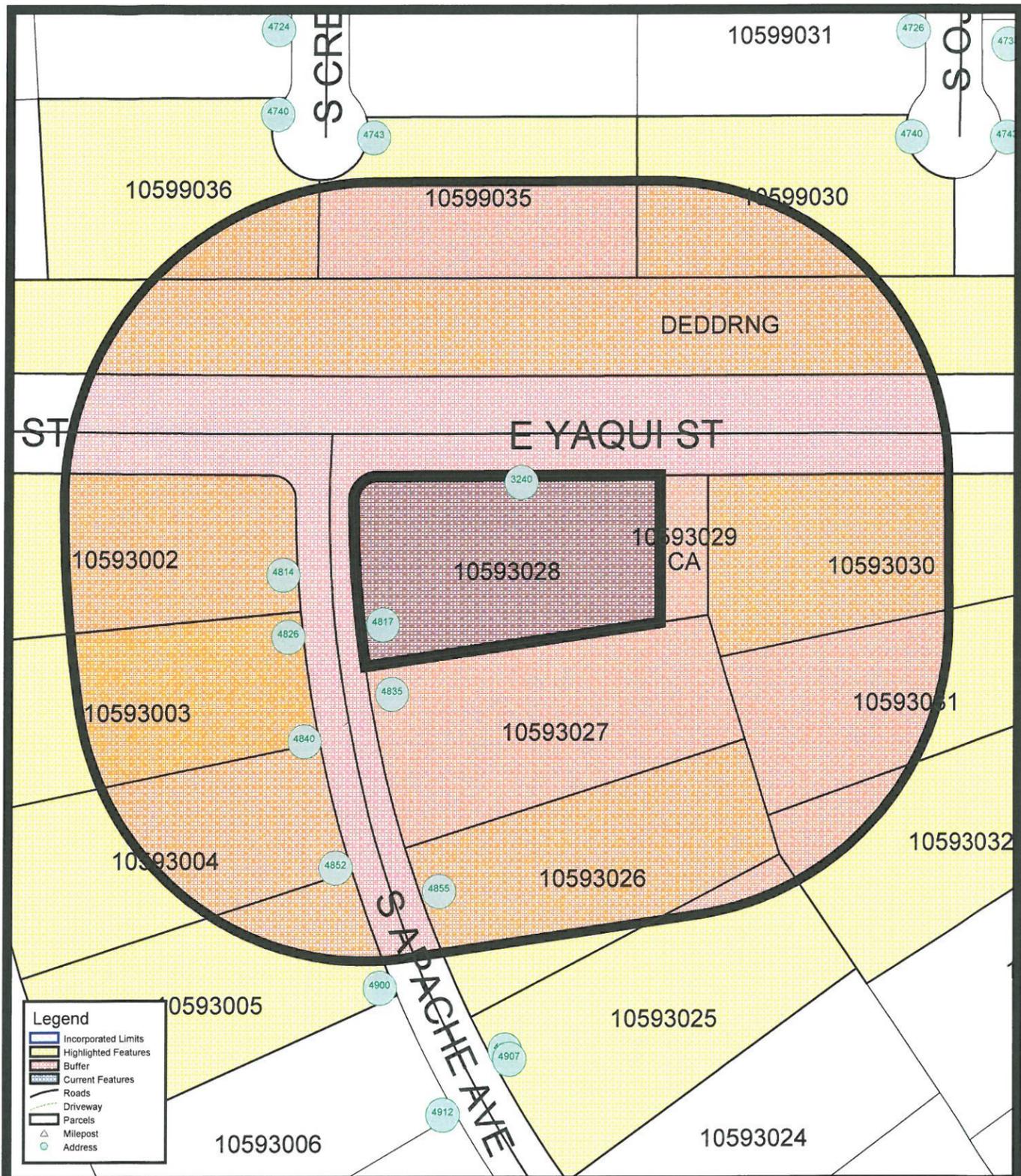
Yes: Duane Brofer, Cruz Silva, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams.

**Planning & Zoning Commission Meeting
Sign in Sheet**

DATE February 9, 2011

PLEASE PRINT

NAME	ADDRESS	PHONE #	ITEM #
1. Tony BATTISTE	4700 ROBT SMITH LN HEREFORD AZ 85615	803-2908	# 1
2. Margaret Case	8237 Sunwing Ridge Hereford AZ 85615	366-0197	1
3. Susan Ostrander	10248 E. CALE TEJAS Hereford, AZ 85615	366-0360	1
4. Gad Cook	112 Nighthawk Ave Bisbee		
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			



SU-04-16A
 PDS POA
 105-93-028
 300' Buffer

This map is a product of the
 Cochise County GIS






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., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Senior Planner
For: Michael Turisk, Interim Planning Director
SUBJECT: Docket SU-04-016A (Pueblo Del Sol Property Owners' Association)
DATE: March 1, 2011 for the March 9, 2011 Meeting

REQUEST FOR A SPECIAL USE MODIFICATION

Docket SU-04-016A (PDS): The Applicant seeks authorization for a Special Use Modification from the Planning and Zoning Commission. In 2004, the Commission authorized a Special Use (SU-04-16), allowing a property owners' association office on the property, per Section 906.12 of the Zoning Regulations (Civic, Social, Fraternal or Business Associations). The Commission approved at that time a 10-foot setback along the East side of the property. The Applicants are requesting a modification to what was approved, allowing a 2-foot setback for the administrative building, situated along the East side of the property.

The subject parcel (105-93-028) is located at 4817 S Apache Avenue, near Sierra Vista, Arizona. The Applicant is Kathy Hoffard, president of the Pueblo Del Sol Property Owners' Association.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

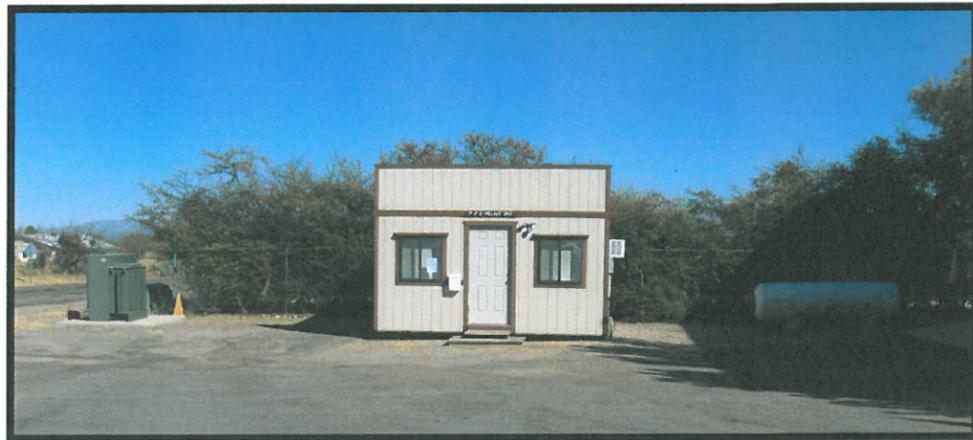
Size: 1.24 Acres
Zoning: SR-43 (Residential, 1 dwelling per acre)
Growth Area: Category A (Urban Growth Area)
Plan Designation: Neighborhood Conservation
Area Plan: Sierra Vista Sub-Watershed
Existing Uses: Fry Fire Station, Pueblo Del Sol Property Owners' Association Office
Proposed Uses: Unchanged

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-43	Yaqui Street, Single Family Residential
South	SR-43	Single Family Residential
East	SR-43	Liberty Water Well Site
West	SR-43	Apache Avenue, Single Family Residential

II. PARCEL HISTORY

1983 – Fry Fire District station constructed;
 2002 – Permit to replace 60-foot tall communications tower;
 2003 – Violation issued to Fry Fire Department for construction without a permit;
 2003 – Electrical Service Upgrade permit issued;
 2004 – Special Use Docket SU-04-16 approved by the Commission. The Approval allowed the Applicant to place the 12’ x 16’ foot shed on the property. The screening and landscaping requirements were waived by the Commission at that time. The Commission also approved a 10-foot setback (20 feet required);
 2005 – Permit issued to Fry Fire District for a 299-linear foot block wall along the South property line.
 2009 – Violation issued to Fry Fire Department for permit condition violation, namely, that the shed allowed by SU-04-16 was less than 10 feet from the property line (30 inches);
 2010 – Violation issued again for shed being closer to the Eastern property line than allowed by the Commission. This violation is what led the Applicant to begin the SUP Modification process.



Looking East at the PDS Administrative Office. Note the electrical utility box at left.

III. BACKGROUND

The Pueblo Del Sol Property Owners’ Association obtained Special Use Approval for the HOA office in 2004. At that time, the Applicant, Pueblo Del Sol Property Owners’ Association, was granted a modification to the required 20-foot setback by the Commission. The original site plan showed a proposed 15-foot setback. Instead, the Commission allowed the building to be placed 10 feet from the Eastern property line. Among the reasons for placing the 12’ x 16’ portable shed in that location was its proximity to electrical utilities; the setback modification was granted to accommodate traffic to and from the vehicle repair garage South of the building.

In the Citizen Review letter mailed to neighbors, the Applicant, Kathy Hoffard of the Pueblo del Sol Property Owners’ Association, said that the administrative office in question is “used primarily for the storage of PDSPOA files and records.”

As discussed in Section II of this Memo, the Applicant and property owner were cited twice for violating the 10-foot setback allowed by the Commission in 2004; in practice, however, the 10-foot setback proved to be insufficient, and still obstructed traffic to the garage. The SUP

Modification request, then, is the Applicants' attempt to remedy the issue and allow the building to remain 2 feet from the Eastern property line.



Aerial view of the property.

V. ISSUES

As the photos in this Memo illustrate, the portable structure on the site is adjacent to a chain link fence, the other side of which is planted with high shrubbery. The adjacent property is home to a Liberty Water Company well site and is likely to remain so in the future. There is little if anything in the way of off-site impact generated by the structure as it is currently sited on the property.

The purpose of the original setback modification was to allow the building to be sited along the Eastern property line without impeding emergency vehicle traffic to and from the garage immediately South. If the 10-foot setback approved by the Commission in 2004 were to be observed, the office would lay directly in the approach to the Fry Fire garage bay door. The photos in this Memo show the building already in the proposed location, 2 feet from the property line. Even at this distance, the building can be seen to lay directly in front of the bay door. However, the Fry Fire Department has informed the Department in writing that they have no objection to granting the modification request; vehicles enter and exit the building by following a curvilinear path striped along the pavement and there is no immediate safety issue with the building in its current location. In fact, the Fry Fire District Chief has indicated Fry Fire's preference to keep the building where it is currently located, and that they will not allow the building to be moved to a different location on the site.

However, allowing a 2-foot setback would create a building code issue. Section 704.05 of the International Building/Fire Code requires that structures with a 5-foot setback be equipped with protection from fire exposure (1-hour fire-rating) on the interior and exterior of the building. At 6 feet, the requirement for interior fire-rating drops, but the exterior would then be required to observe the 1-hour fire exposure standard. With a 10-foot setback, there is no fire-rating requirement. While the Zoning setback standard may be reduced, the fire code standard cannot be modified by the Commission. Should the Commission approve the modification request, Staff

would recommend applying Condition #2, which would require the Applicant to obtain a building permit, and install a fire-rated separation wall along the East side of the building.



Left: Northward view of the PDS office. The chain-link fence and vegetative screen can be seen along the Eastern property line. Right: Southward view of the office in relation to the Fry Fire station vehicle bay.

Docket SU-04-016A is here presented to the Commission as requested by the Applicant; the Department has analyzed the request as such. Staff’s position is that there are alternatives to the request that would not require substantially modifying the approved Special Use, would not trigger building code fire-separation requirements, and would not impede traffic along the path to the vehicle bay. This would involve moving the building to the Wet side of the property. However, the property owner, Fry Fire District, has informed staff of its intention to keep the building in its current location.

V. PUBLIC COMMENT

Staff mailed notices to property owners within 300 feet of the subject property, posted the property as required, and published a legal notice on February 17, 2011. Within the notification buffer, staff has received one letter in support of the request, from the Fry Fire District.

During the Citizen Review phase, the Applicant received support from two neighbors.

VI. SUMMARY AND CONCLUSION

Factor in Favor of Allowing the Special Use

1. The Fry Fire District, on whose property the office is sited, has expressed support for the request;

2. During the Citizen Review phase, the Applicant received support from two neighbors.

Factor Against Approval

1. The request comes as a result of a Zoning Violation; the Applicant put the structure 2 feet from the Eastern property line in violation of the Commission-granted setback modification from 2004;
2. The building could be placed on the West side of the property, and could then meet the 10-foot setback approved by the Commission, not require a fire-separation wall as required by building code, and allow Fry Fire vehicles to approach the garage more directly.

VII. RECOMMENDATIONS

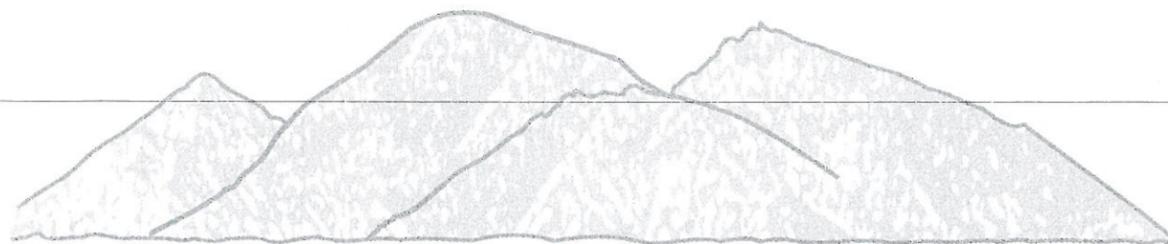
Based on the factors in favor of approval, staff recommends **conditional approval** of the Special Use Modification request, subject to the following conditions:

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. Within one year from Commission approval, the Applicant shall obtain a building permit, and install code-compliant fire-proofing materials on the interior and exterior of the structure, along the East side of the structure.
3. 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.
4. Any further changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

Sample Motion: *"Mr. Chairman, I recommend approval of Special Use Modification Docket SU-04-016A, with the conditions of approval as recommended by Staff; with the factors in favor of approval constituting findings of fact."*

VIII. ATTACHMENTS

- A. Special Use Modification Letter of Intent
- B. Location Map
- C. Site Plan
- D. Citizen Review
- E. Fry Fire District Comments



PUEBLO DEL SOL PROPERTY OWNERS ASSOCIATION
P.O. Box 1551 • Sierra Vista, AZ 85636-1551

January 11, 2011

Cochise County Planning Department
Attention: Mr. Keith Dennis
1415 Melody Lane, Bldg. E
Bisbee, AZ 85603

Enclosed please find the Cochise County Joint Permit Application, check #1186 in the amount of \$150.00, plot plan indicating PDSPOA office, letter to the community, and 2 responses received (via email).

The Pueblo Del Sol Property Owners' Association (PDSPOA) is asking for a Special Use Permit Modification property line setback of 2 feet for our administrative building located on the Fry Fire District property at 4817 Apache Ave., Sierra Vista. The PDSPOA office is a Mr. Shed building placed on skids. The building was given a Special Use Permit Variance (2004) setback of 10 feet from the property line. Once the building was placed, Fire Chief Jackson realized that it would interfere with vehicles entering/exiting the repair garage. The PDSPOA office was moved until it no longer interfered with the vehicles. At that point the building was 2 feet from the property line.

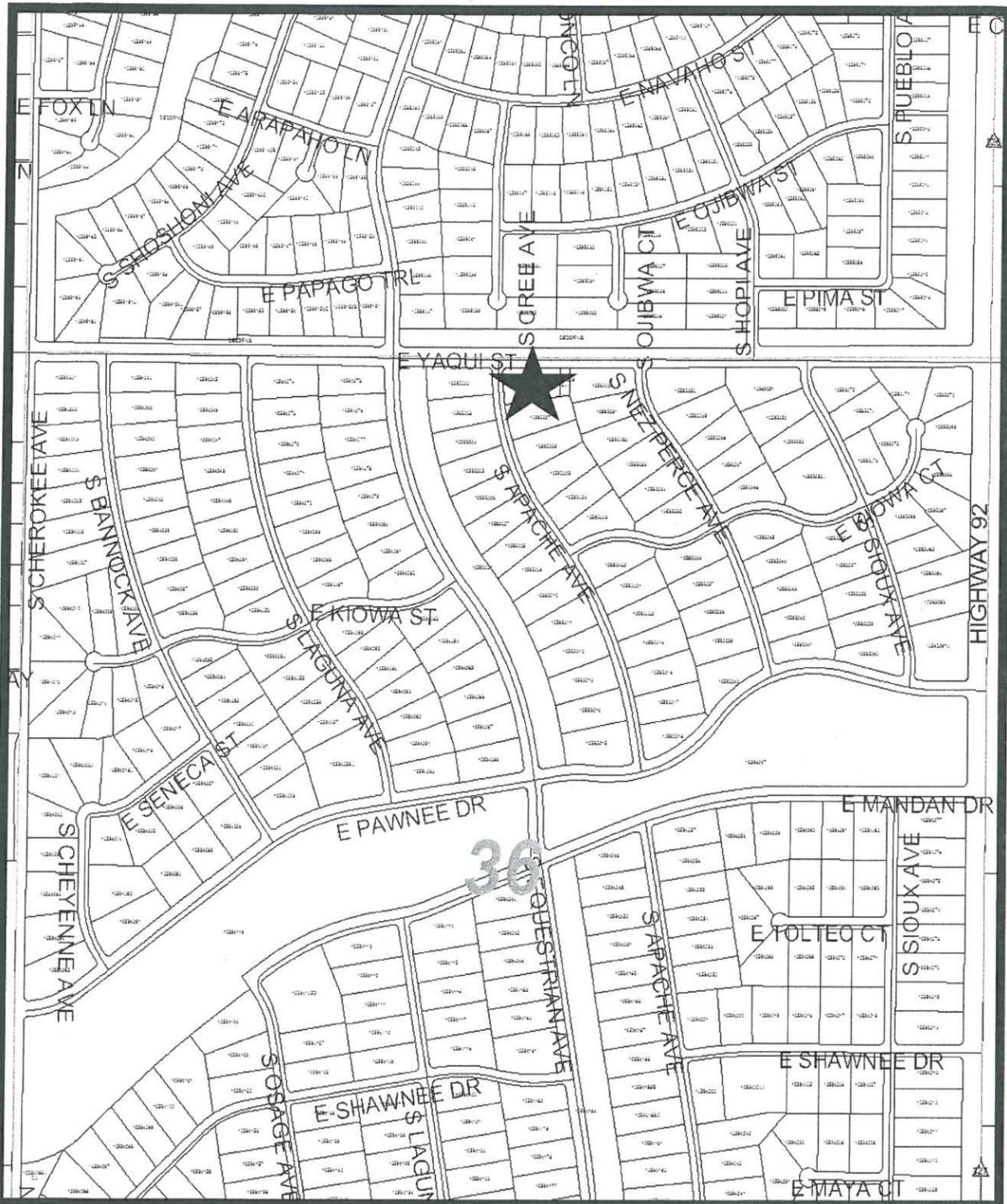
Until a recent complaint was filed, the members of the board of directors did not know that further paperwork was not completed for the 2 feet variance. It is the desire of this board to correct the situation and comply with the ordinances of Cochise County.

Please advise as to any further information you may need. I understand this matter will be placed on the agenda for the March 9, 2011, Planning and Zoning Commission meeting.

Thank you for your time and efforts in this matter.

Sincerely,

Kathleen Hoffard
President

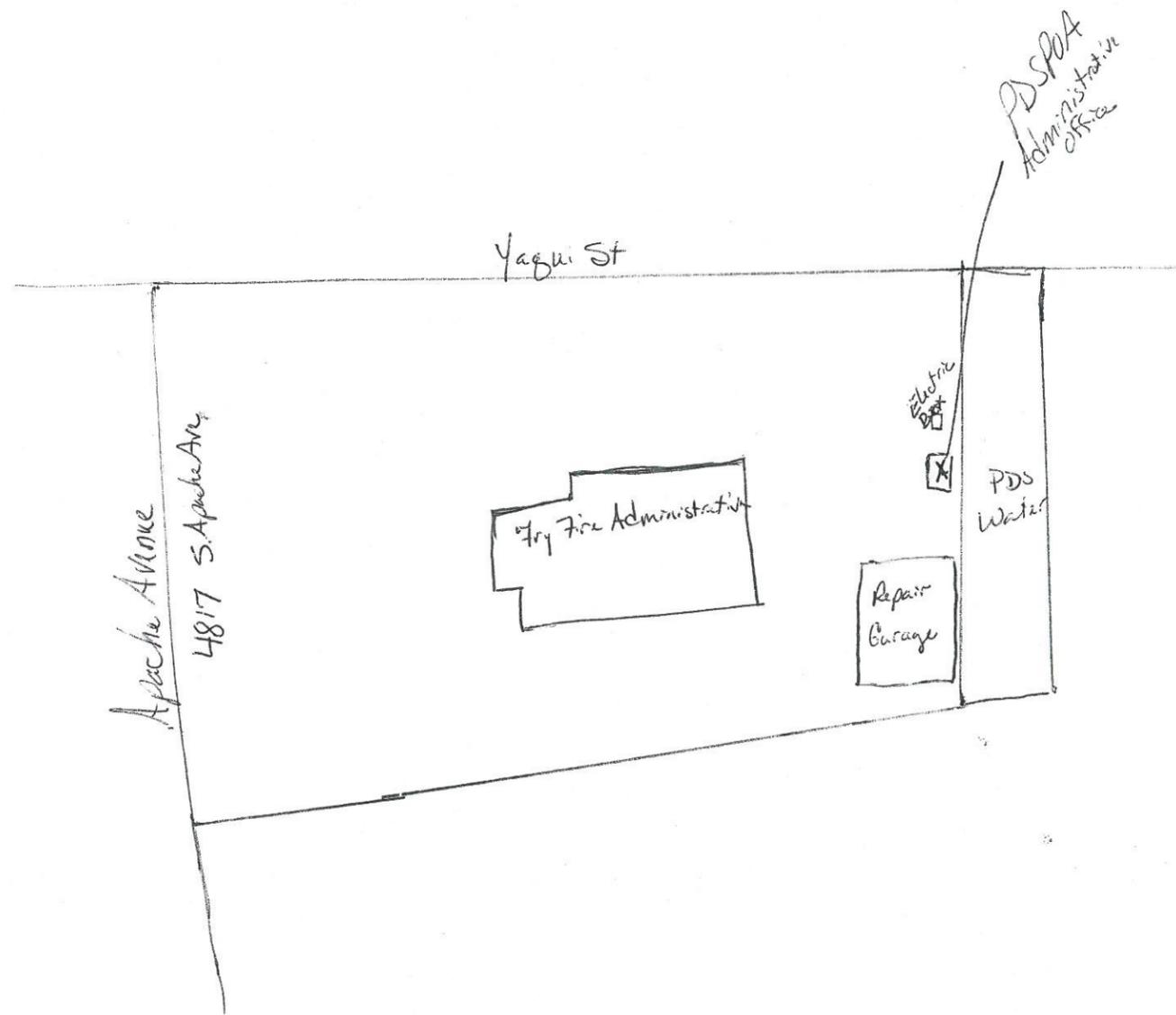


Docket SU-04-16A
(Pueblo Del Sol)
Location Map

This map is a product of the
Cochise County GIS



B₈



Parcel 105-93-028

C 9

4817 S. APACHE AVE

60 FT RIGHT OF WAY
168.55 FT

391.98 FT

NO WASTES WITHIN 300'
drainage to ditch

EXIST. SEPTIC SYSTEM

EXIST. FIRE STATION NO 3

concrete
EXIST. DRIVE

2" aggregate

EXISTING
PARKING
AREA

NEW
9x19
20x24
12x16
SHED

EXIST.
UTILITY
BUILDING

46'-0" LIGHT FIX. 'X'

N 0° 25' 40" W 149.30 FT

SR-43 LEVEL

WELL SITE
PDS WATER CO.

EXISTING
PROPANE TANK

PDS VILLAGE ONE
ADMINISTRATIVE
FACILITY

STEEL FENCE

YAGUI STREET
50 FT RIGHT OF WAY

N 89° 43' 45" W

286.16 FT

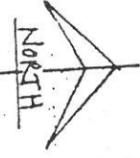
PARKING LOT
ACCESS

309.44 FT

SR-43 LEVEL 2

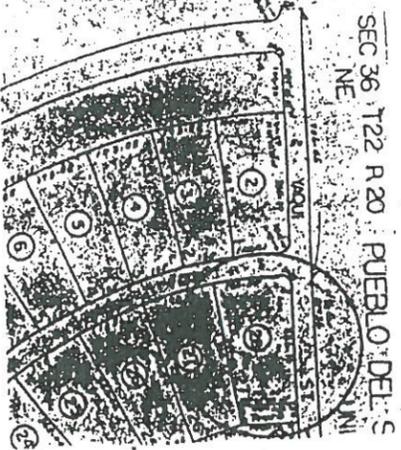
SEC 36 T22 R20 PUEBLO DEL S

SITE PLAN

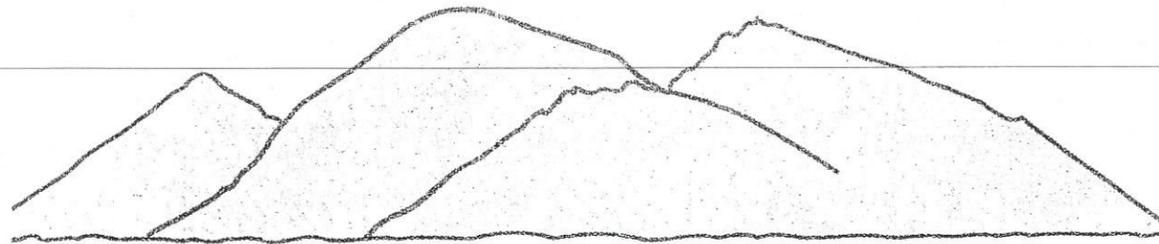


NOTE: SIZE & LOCATION OF
EXIST FIRE STATION IS APPROX.

TAX PARCEL NO.: 02-105-93-028
LEGAL DESCRIPTION: LOT 27, PUEBLO DEL SOL VILLAGE ONE
UNIT A, COCHISE COUNTY, AZ
URBAN ZONE: SR-43, LEVEL C



[Original SU-04-16 Site Plan]



PUEBLO DEL SOL PROPERTY OWNERS ASSOCIATION
P.O. Box 1551 · Sierra Vista, AZ 85636-1551

December 20, 2010

Dear Neighbor,

The Pueblo Del Sol Property Owners' Association (PDSPOA) is inviting you to submit comments on our special use modification request. PDSPOA is asking for a property line setback variance of two feet (2 feet) for our administrative office which is located on Fry Fire Station property. Fry Fire is located on the corner of Apache and Yaqui. The PDSPOA office is on the eastern side of the lot. The property immediately adjacent to the office is a pump site for PDS Water Company. The purpose for the setback is to allow enough room for the fire trucks to enter/exit the repair shop which is located in the southeastern corner of the lot. This administrative office is used primarily for the storage of PDSPOA files and records.

Your input is important to us. If you have any questions or concerns I will be happy to arrange a meeting and discuss this request. We look forward to hearing from you.

Submit written comments to: PDSPOA
Atten: Kathy Hoffard
P.O. Box 1551
Sierra Vista, AZ 85636-1551

Email comments to: president@pdsboa.com.
Or give me a call at home: (520) 803-1181.

Sincerely,

Kathy Hoffard, President

D
11

Warren & Kathy

From: <amrougvie@cox.net>
To: <president@pdsboa.com>
Sent: Thursday, December 30, 2010 11:24 AM
Subject: special use modification request
no problems from 4706 S equestrian. happy new year.

D

12/31/2010

12

Warren & Kathy

From: "Clarence & Marty Jackson" <jacmart40@cox.net>
To: <president@pdsboa.com>
Sent: Thursday, December 23, 2010 11:01 AM
Subject: Fry Fire property
Your proposal sounds good for 2 feet variance. Marleta Jackson 227-2230

D
12/23/2010
13

SPECIAL USE: Docket SU-01-16A (PDS POA)

YES, I SUPPORT THIS REQUEST

Please state your reasons: Fry Fire district support this request that the PDS POA shed remain as it is. Any thing other (15') would not be acceptable.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): Fry Fire District William T. Miller
SIGNATURE(S): William T. Miller FIRE Chief

YOUR TAX PARCEL NUMBER: 10593028 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 4817 Apache Ave, Sierra Vista, AZ

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 February 28, 2011 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 pubic 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) 432-9278

COCHISE COUNTY
FEB 24 2011
PLANNING

E 14

Dennis, Keith

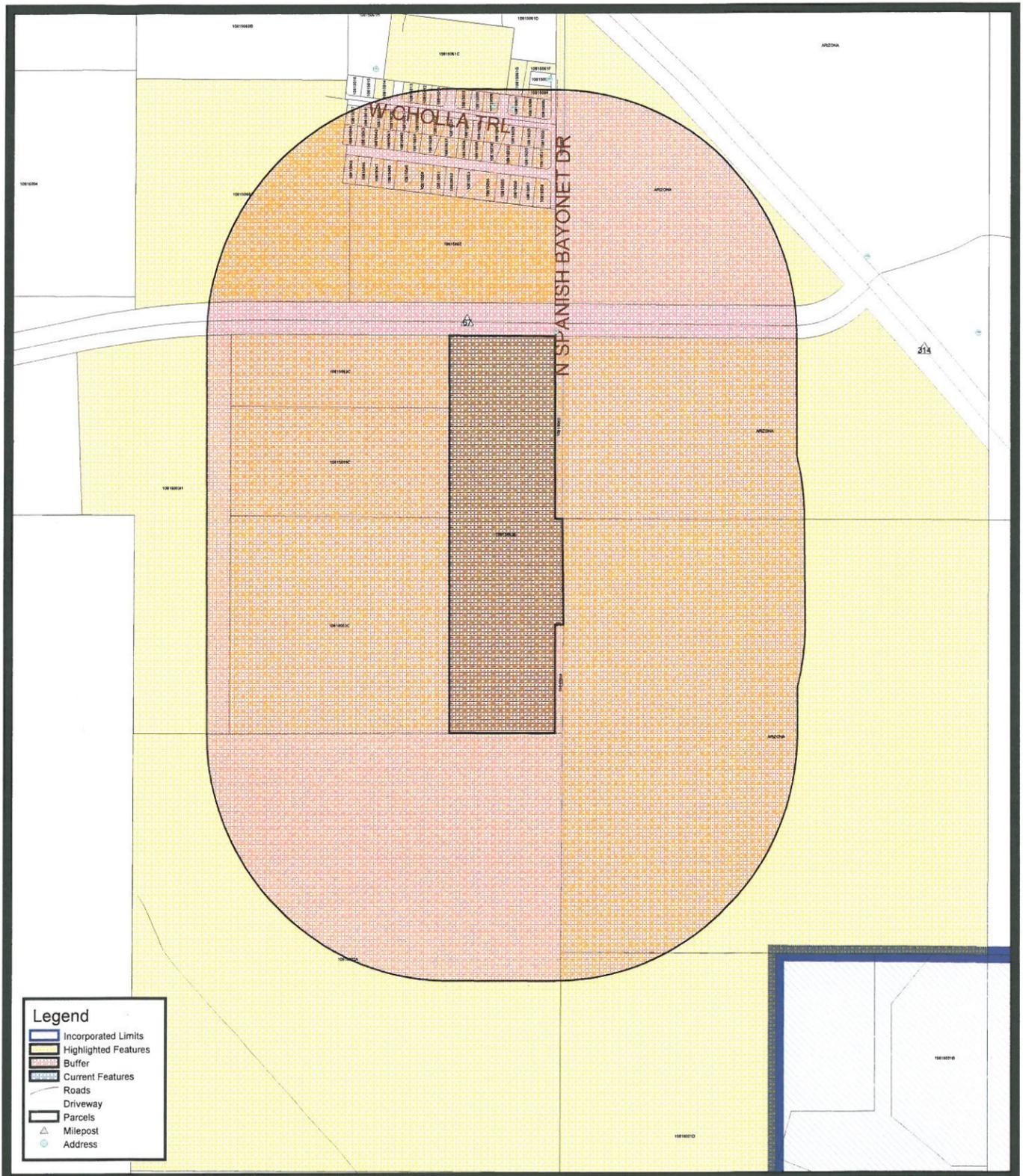
From: mmckearney@fryfiredistrict.com
Sent: Monday, February 28, 2011 4:39 PM
To: Dennis, Keith
Subject: PDS Homeowner's Office

Hey Keith,

Chief Miller said the PDS Homeowner's office building cannot be moved to another location on the property. He said he wrote a letter stating the building is OK where it sits from our stand point, but cannot be moved at all.

Thanks,
Mike McKearney
Fire Marshal, Fry Fire District

4817 Apache AVE.
Sierra Vista, AZ 85650
Office (520) 378-2222
Fax (520) 378-3312
mmckearney@fryfiredistrict.com

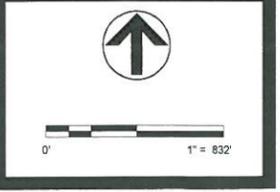


- Legend**
- Incorporated Limits
 - Highlighted Features
 - Buffer
 - Current Features
 - Roads
 - Driveway
 - Parcels
 - Milepost
 - Address



SU-04-01A
 Evans
 108-15-063E
 1500' Buffer

This map is a product of the
 Cochise County GIS





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., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Senior Planner
For: Mike Turisk, Interim Planning Director
SUBJECT: Docket SU-04-01 (Tombstone Livery)
DATE: March 1, 2011 for the March 9, 2011 Meeting

REQUEST FOR A SPECIAL USE MODIFICATION

Docket SU-04-01A (Tombstone Livery): The Applicant seeks authorization for a Special Use Modification from the Planning and Zoning Commission. A Guest Ranch with associated RV Park with 2 spaces, shooting range, campground, equestrian facilities and proprietors' residence exists on the 39-acre property. The Applicants propose to expand the use with the addition of 12 new RV spaces with electrical, septic and water utilities for the spaces. A laundry facility and new entry feature are also proposed.

The subject parcel (Parcel No. 104-21-022) is located 919 W. SR 82 in Tombstone AZ. The Applicants are Doug and Terri Evans of Tombstone Livery Stables.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 6.54 Acres
Zoning: RU-4 (Rural, 1 Dwelling per 4 Acres)
Growth Area: Category D (Rural Growth Area)
Plan Designation: Rural
Area Plan: Sierra Vista Sub-Watershed
Existing Uses: Guest Ranch with accessory RV Park, Shooting Range
Proposed Uses: Unchanged

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	SR 82, Rural Land
South	RU-4	Rural
East	RU-4	Rural
West	RU-4	Rural

II. PARCEL HISTORY

1999 – Previous owners cited for operating a business without a permit. The violation included un-permitted construction of an arena, corrals and stable.

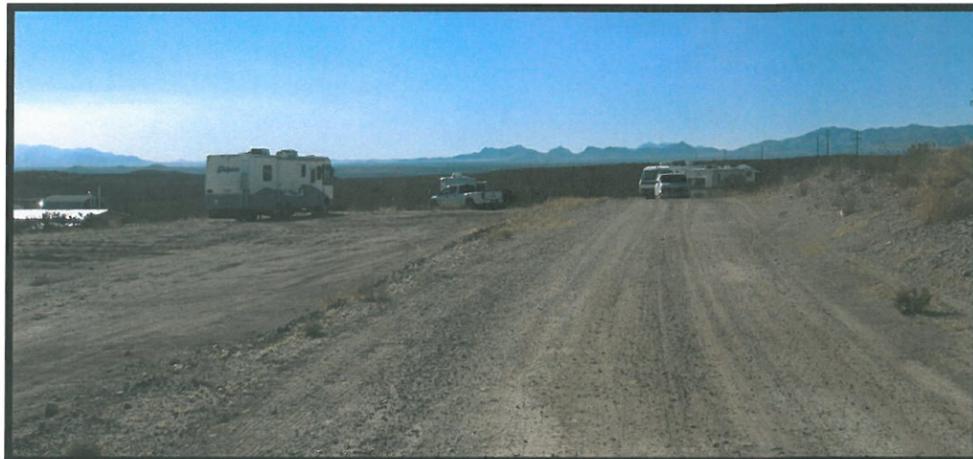
2003 – Current owners/Applicants Doug and Terri Evans purchased the property in October, and immediately applied for permits to legitimize the unfinished construction, as well as for a single family residence with septic system. Their business plans for the property led to a Special Use process for a Guest Ranch, which they initiated in December of 2003.

2004 – SU-04-01 approved by the Commission for a Guest Ranch with accessory uses, including an arena, restaurant, shooting range and two RV spaces. The Commission approved the SUP in February; the commercial permit was issued in July of that year.

2009 – Administrative Special Use modification to expand the shooting range from three bays to six.

III. BACKGROUND AND NATURE OF REQUEST

Tombstone Livery Stable has been in operation since 2004. The Special Use permit authorized a Guest Ranch, shooting range, restaurant, retail sales, an RV park with two spaces, and a campground. The business and its future plans have evolved over time in response to their customers’ preferences. For example, although the Applicants originally planned on operating a restaurant, today they are more likely to stage “chuckwagon dinners” on request for guest parties. The guest lodging operation proposed as a phase II operation in the initial Special Use application has not come to pass. However, as stated above, in 2009 the County approved an expansion of the approved shooting range. The approved camping operation is today not likely to include tent camping, but most often consists of RV “dry camping,” without hookup facilities. RV owners, particularly those with horses in tow, are the clientele driving the business at this time.



Westward view of the project site. Currently this is primarily an RV “Dry Camping” area.

It is this group the Applicants seek to accommodate, through the current Modification request. The proposal would expand the area where the two approved RV sites are currently located, transforming what is now primarily a “dry camping” area into fully-equipped RV spaces with

electric and water hookups, as well as a nearby laundry facility. This area, shown on the site plan attached to this Memo, is toward the Northern portion of the site, overlooking the arena and shooting range and other uses on the Tombstone Livery Stable property.

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, as well as SUP Modifications that involve new land uses or significant expansions of approved land uses. 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 four of the nine applicable factors as submitted; with the recommended Conditions of Approval and the requested waiver to the gravel surfacing standard, the project would comply with each of the nine criteria.

A. Compliance with Duly Adopted Plans: Complies (Subject to Condition #4)

The special use is consistent with master development plans, transportation plans or other land use plans if any have been adopted for the area encompassing the special use.

The project site is within the Sierra Vista Sub-Watershed Plan area. The Applicant is aware of the requirements and intends to comply with the Plan policies; Condition #4, which is a standard condition recommended for all Special Uses, would ensure compliance with the Sub-Watershed Plan for the new laundry facility.

B. Compliance with the Zoning District Purpose Statement: Complies

The proposed special use shall comply with one or more of the purposes stated in the "Purpose" section of the applicable zoning district and [is] harmonious with existing development.

The project would comply with Section 601.05 of the Zoning Regulations, which supports "recreational support services that are compatible with rural living."

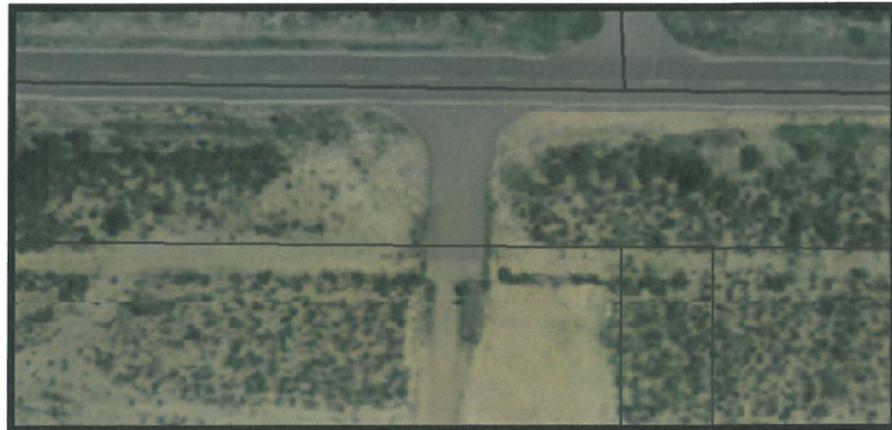
C. Development Along Major Streets: Complies (Subject to Condition #2).

The development limits the number of access points on major thoroughfares or arterial streets, and County collectors through the use of frontage roads, shared access, no access easements or other safe methods designed to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials.

As previously discussed, the development takes direct access from an arterial road. ADOT comments indicate that, as proposed, no new off-site mitigation will be needed for the SR 82 access, other than completion of the requirements of the original 2003 permit. Any expansion of the use beyond what has been previously approved or currently proposed may trigger such requirements as needed to ensure that RV traffic does not impede the SR 82 access (See Attachment E – ADOT Comments).

The Tombstone Livery RV Park differs from other RV parks in that it focuses on equestrian activities on site. The presence of horses on the property creates the risk of horses escaping corrals, and possibly wandering off the property. This could create hazards for the horses, or

motorists along SR 82 and SR 80. In order to construct the required commercial apron accessing SR 82 in 2003, the Applicants obtained an encroachment permit from ADOT; the approved plans included the installation of a cattle guard (See Attachment E). To date, that cattle guard has not been installed. ADOT and County staff recommend that the cattle guard now be installed at the SR 82 apron, in order to reduce this risk and comply with ADOT access requirements as applicable now, as well as the requirements of the 2003 permit. Staff therefore recommends, as Condition #2, that prior to permit issuance the Applicant obtain a new encroachment permit to perform this work in the ADOT Right-of-Way. Condition #2 would also require the Applicant to install a cattle guard at the SR 82 apron, prior to issuance of a certificate of occupancy.



Aerial view of the existing commercial apron accessing SR 82.

D. Traffic Circulation Factors: Complies

- 1. The special use is consistent with preservation of the functions of surrounding streets as defined in Section 102B3 (a-g) of the Comprehensive Plan.*
- 2. The special use does not result in the use of any residential street for non-residential through traffic.*
- 3. Consideration of future circulation needs in the surrounding area have been taken into account through right-of-way dedication and off-site improvements, if warranted.*

The Comprehensive Plan Transportation Policies (Section 102.B.3) suggest that non-residential uses should have access to arterial and/or collector roads. The project complies with this policy, as it directly accesses a State Highway (SR 82).

E. Adequate Services and Infrastructure: Complies (Subject to Conditions #2 and #4)

The following factors are used to determine if there are adequate services and infrastructure to serve the special use:

- 1. The applicant has provided adequate information to evaluate the impacts on roads, other infrastructure and public facilities. The applicant must demonstrate that there are adequate provisions to address the impacts identified; the applicant shall provide data supporting the estimated traffic volume as part of the application.*

2. *If the site accesses on a road where existing demonstrable traffic problems created by incremental development have already been identified, such as a high number of accidents, substandard road design or surface, or the road is near or over capacity. If so, the applicant has proposed a method to address these problems.*
3. *The proposed development meets or will meet the applicable requirements for street, sewer, or water improvements.*
4. *The site has access to streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by the use.*

Condition #4 would ensure compliance with the Sierra Vista Sub Watershed policy plan for the proposed laundry facility; Condition #2 would ensure safety at the SR 82 access.

The Applicant proposes to connect the new RV spaces to the existing well/water system on the property. The Environmental Health Department comments indicate that, due to the number of connections to the existing water system, the proposal will exceed the threshold under which the project would be subject to County regulations, and instead be subject to the requirements of the Arizona Department of Environmental Quality (See Attachment F – Environmental Health Comments). Staff recommends, as Condition #3, that the Applicant submit water system plans for ADEQ review, and satisfy all ADEQ requirements for the water system, prior to issuance of a permit.

F. Significant Site Development Standards: Complies (Subject to Condition #1 – See Requested Modifications to Site Development Standards)

The special use adequately addresses the significant applicable site development standards, including development in or near a floodplain. The applicant has adequately justified any waivers requested from site development standards.

The Applicant can meet all applicable site development standards. The Applicant requests a Modification to the standard which requires, per Section 1804.07.D, that the parking and driveway areas be surfaced with a two-inch deep gravel surface treatment. The Applicant states that this standard was met during the initial Special Use process, but that in the seven intervening years, most of the gravel has eroded away or been crushed. The property essentially has a native dirt surface, and the Applicant is requesting that the existing conditions be allowed to remain. Because the original gravel surface treatment has essentially eroded away since its first application, it seems likely that this could happen again if the surfacing were again required. For this reason, and because gravel surfaces can pose health problems for horses, staff supports the modification request.

The Applicant intends to install a ranch-style arch entry feature over the entrance to the property. The sign would be 18 feet tall, and would be considered an Identification Sign under the Article 19 (sign code) regulations. The maximum height allowed for such signs in an RU-4 District is eight feet. The Applicant requests a modification to this standard as well. The classification of this entry feature as an Identification Sign is problematic from a regulatory standpoint. Such entry features are common throughout Cochise County, often at the entrance to ranch lands in the County. The placement of a sign identifying the property then makes the structure an Identification Sign per Article 19, yet the eight-foot height limit for such signs proves

impractical, as by definition vehicles pass under these arching entry features. Staff thus supports the sign height modification request.

There are, additionally, a number of minor deficiencies on the site plan as submitted with the modification request. For instance, the entire project site must be shown on a site plan; the proposed RV sites and laundry facility must be shown with dimensions on the plan as well (See Attachment C – Site Plan). Condition #1 is a standard condition which staff recommends for all Special Uses and SUP Modifications. It would require, prior to the issuance of a permit, a new site plan, which meets the applicable regulations as set forth in Section 1705 of the Zoning Regulations.

G. Public Input: Complies

If there is major public opposition to a proposed special use, this may indicate that the technical evaluation regarding compatibility of the use does not concur with the view of local residents and a recommendation of denial may be appropriate. If public concerns have been raised, it is fair to ask if the applicant has made a reasonable effort to address these concerns through the Citizen Review Process. If there is major public support of a proposed use, this may be a factor in favor of the request.

The Applicant completed the Citizen Review process and received no response. The County's required mailings prompted a statement of support from one neighbor.

H. Hazardous Materials: Not Applicable

I. Off-site Impacts: Complies

Adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights or storm water run-off.

The greatest off-site impacts associated with the property are a result of the shooting range on the site. The RV traffic to and from the site would be another discernable off-site impact. A significant increase in traffic is not anticipated as a result of this proposal; the Modification would instead allow the Applicants to better accommodate existing traffic to the site with full RV hookups.

J. Water Conservation: Complies (Subject to Conditions #3 and #4)

The special use complies with the water conservation policies in Section 102E of the County Comprehensive Plan or any other adopted area plan.

Condition #4 would require compliance with the policies provided in the Sierra Vista Sub-Watershed Plan as part of the commercial permit process to follow Commission action.

V. PUBLIC COMMENT

Staff mailed notices to property owners within 1,500 feet of the subject property, posted the property as required, and published a legal notice on February 17, 2011. Within the 1,500-foot

notification buffer, staff has received one letter from a neighboring property owner in support of the request.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Allowing the Special Use Modification

1. With the recommended conditions, the project would comply with each of the nine applicable Special Use evaluation factors;
2. The project proposal represents an expansion or upgrade to an existing use. The overall traffic count is not anticipated to change if the request is granted. Rather, the Applicant proposes to enhance the facilities available to the existing customer base;
3. The Department has received correspondence from a neighboring property owner in support of the Modification request.

Factors Against Approval

None Apparent.

VII. RECOMMENDATIONS

Based on the factors in favor of approval, staff recommends **conditional approval** of the Special Use modification request, 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. The Applicant shall submit a completed joint permit application for the RV park expansion within 12 months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire, and appropriate fees. A permit must be issued within 18 months of approval, otherwise the Modification may be deemed void upon 30-day notification to the Applicant.
2. Prior to issuance of a certificate of occupancy, the Applicant shall satisfy all ADOT requirements, including an encroachment permit, the installation of an ADOT-approved cattle guard, and observance of a 10-foot setback to the ADOT Right-of-Way.
3. Prior to issuance of a permit, the Applicant shall demonstrate compliance with ADEQ requirements for the water system serving the RV spaces.
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 additional modification and approval by the Planning and Zoning Commission.

Sample Motion: *"Mr. Chairman, I recommend approval of Docket SU-04-01A, with the conditions of approval as recommended by Staff, and with the waiver of the gravel surfacing standard as requested by the Applicant; with the factors in favor of approval constituting findings of fact."*

VIII. REQUESTED MODIFICATIONS TO SITE DEVELOPMENT STANDARDS

The Applicant has requested to following waiver to site development standards:

1. That the requirement, per Section 1807.04.D, that the driveway and parking areas be treated with a 2-inch deep gravel surface, be waived.
2. That the eight foot height limit for identification signs in an RU-4 District be modified to accommodate the proposed 18-foot tall entry feature (Section 1904.12)

IX. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Site Plan
- D. Transportation Planner's Comments
- E. ADOT Comments
- F. Environmental Health Comments
- G. Requested Modifications to Site Development Standards
- H. Citizen Review
- I. Public Comment



COMMUNITY DEVELOPMENT DEPARTMENT

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

(520) 432-9240
Fax 432-9278

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

TAX PARCEL NUMBER: 108-15-063E

APPLICANT: Douglas A Evans & Teresa M. Evans

MAILING ADDRESS: P.O. Box 27 Tombstone AZ 85638

CONTACT TELEPHONE NUMBER: (520) 457-3559

PROPERTY OWNER (IF OTHER THAN APPLICANT): _____

ADDRESS: 919 W. Hwy 82
Tombstone AZ 85638

DATE SUBMITTED: 1/6/11

Special Use Permit Public Hearing Fee (if applicable)

\$ 150.00

Building/Use Permit Fee

\$ _____

Total paid

\$ 150.00 KD

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.

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? Horse Stable, Shooting facility
Residence
2. What is the proposed use or improvement? Addition of 12 RV sites
and Laundry Room and entryway Arch with sign
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? Comming & going of
RVs on an occasional basis.

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

hookups of Elect, sewer and water for RVs
Washing facility for the laundry of clothes for Campers staying at facilities

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)

Wood

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: 7 Hours (from 7 AM to 10 PM)

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

C. Total average daily traffic generated:

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

12

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

12 pick up trucks

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

East & West Most traffic going East to Hwy 80

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

90% east

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

Weekend - daylight hours

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 205 per year 74,825

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:

Service	Utility Company/Service Provider	Provisions to be made
Water	Well	
Sewer/Septic	Septic System	
Electricity	SUCC	
Natural Gas	Ø	
Telephone	Ø	
Fire Protection	have 4000 gal water in holding + pump wagon	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Bar-B-Queing

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. 32 B. 24 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)

crushed aggregate

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 one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

2. How many acres will be cleared? less than one acre

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.

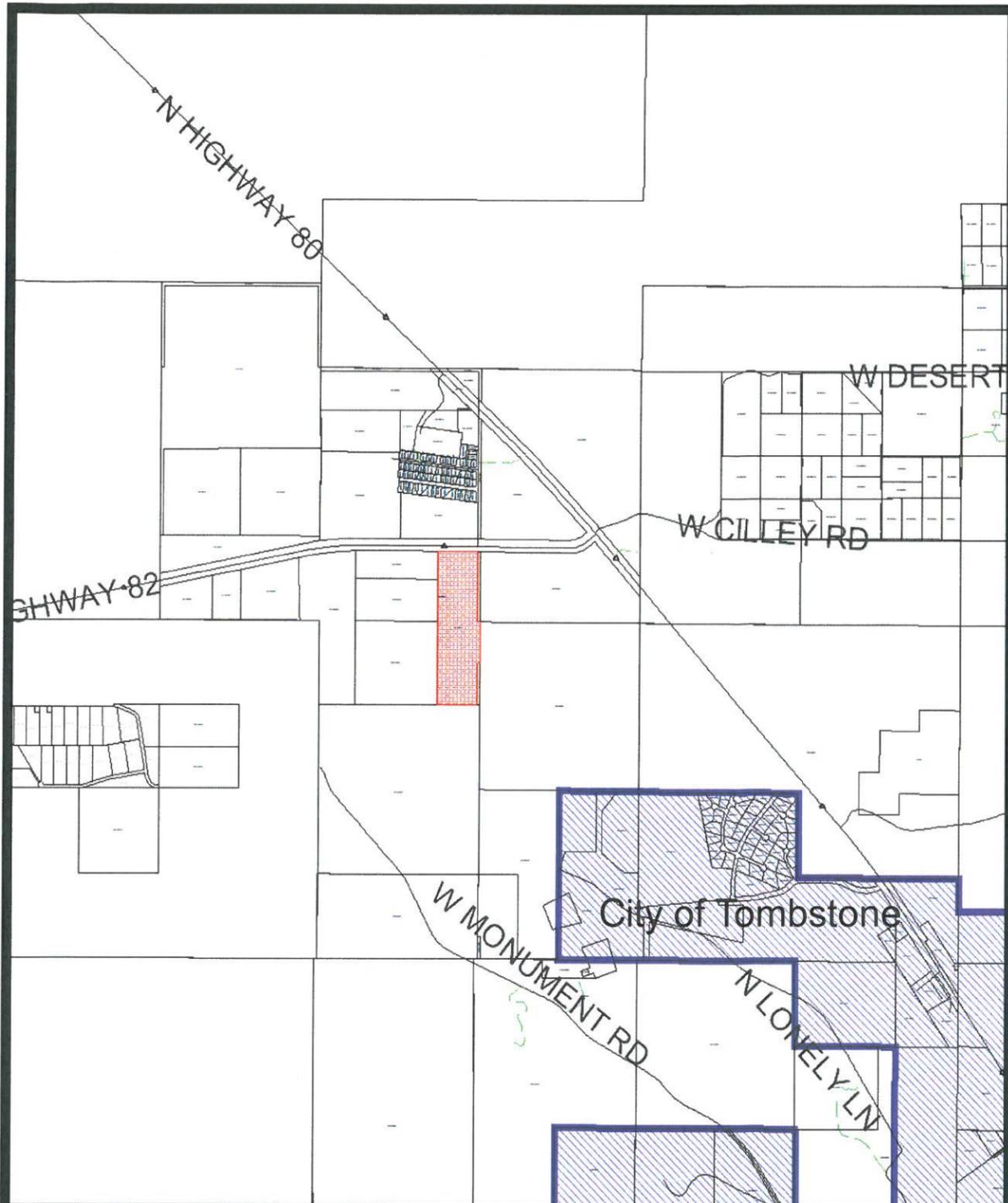
Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research concerning the materials' impacts. The Arizona Department of Environmental Quality (ADEQ) Compliance Assistance Program can address questions about Hazardous 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 *Laura M. Evans Douglas A. Evans*

Date signed 1/20/11

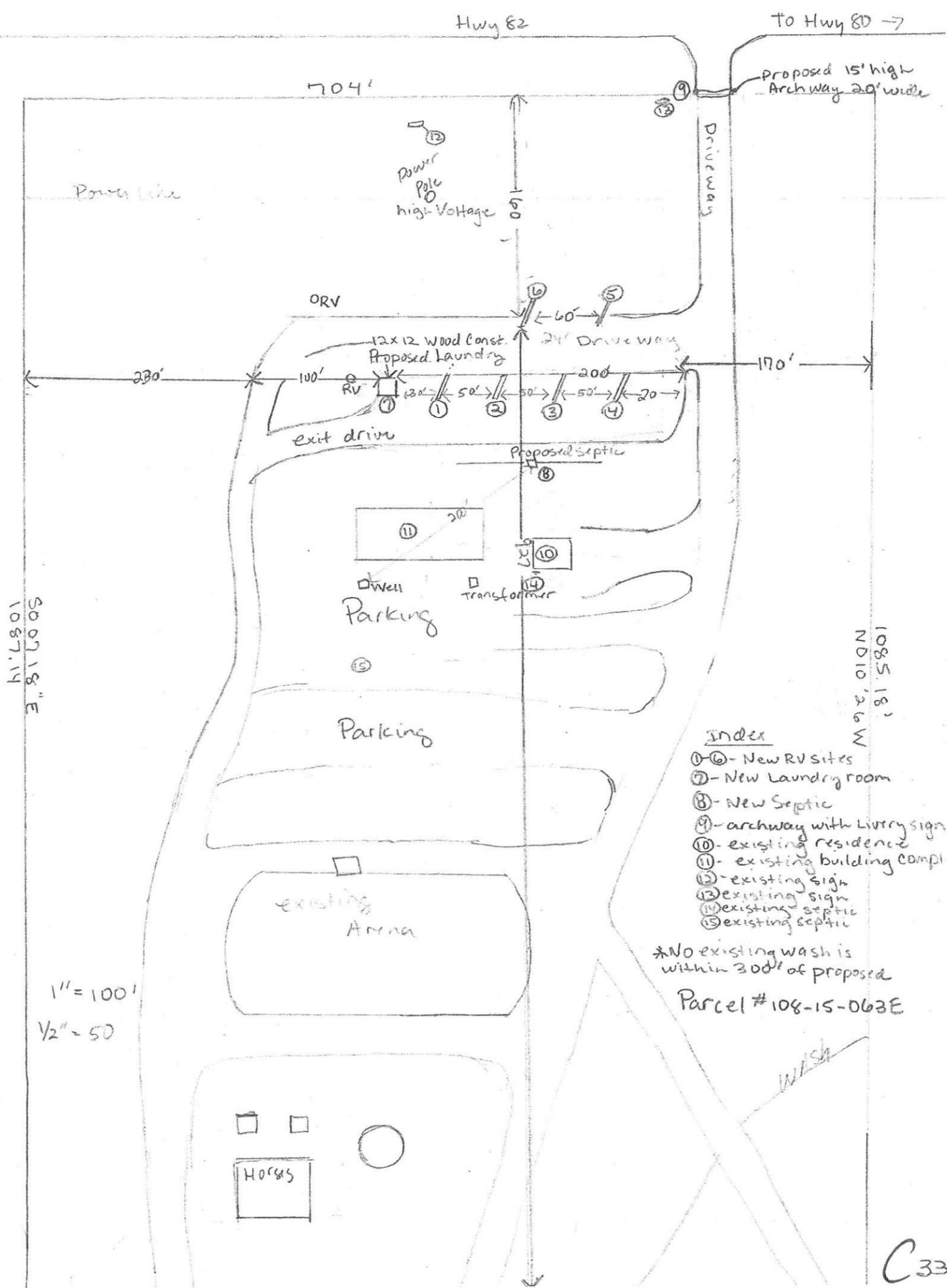


Docket SU-04-01A
(Tombstone Livery)
Location Map

This map is a product of the
Cochise County GIS



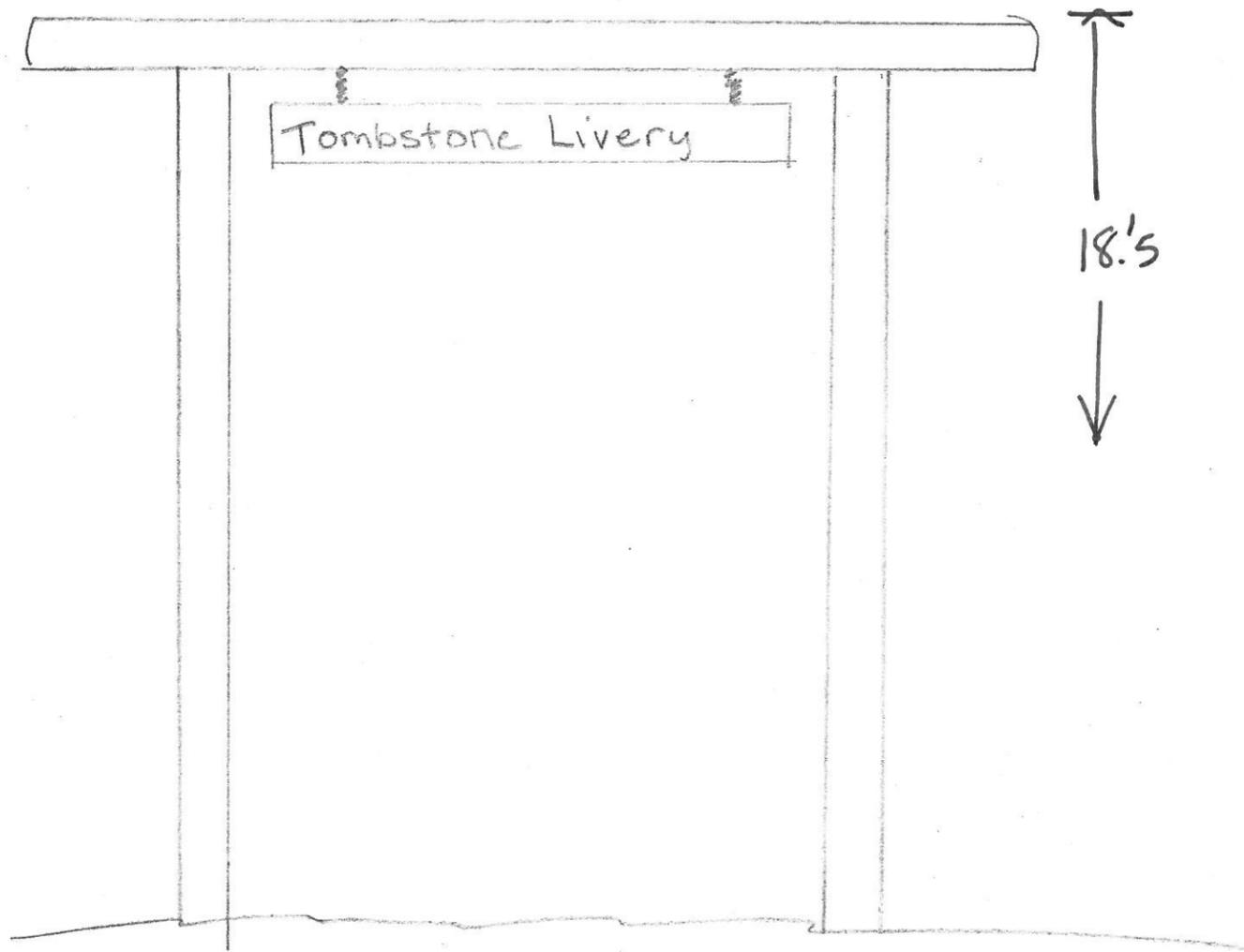
B
33



- Index
- ①-⑥ - New RV sites
 - ⑦ - New Laundry room
 - ⑧ - New Septic
 - ⑨ - archway with Livery sign
 - ⑩ - existing residence
 - ⑪ - existing building compl
 - ⑫ - existing sign
 - ⑬ - existing sign
 - ⑭ - existing septic
 - ⑮ - existing septic

*No existing wash is within 300' of proposed
Parcel #108-15-063E

1" = 100'
1/2" = 50'



Entry Drive Archway connecting into fence line
with 18" x 12 Name plate

Construction materials - 8" steel pipe, 4' cement
into ground.

Sign - metal cut out

RIGHT OF WAY 200'
HIGHWAY 82

POWER POLE

To
To Hwy 80

MP 67

Paved Hwy Access Det.
Permit 93206-T

Telephone
Box

Found #4
LS 14181
(Accepted)

N89°27'03"W
703.74'

4277.1
Found #4
LS 14181
(Accepted)

Power Pole

Power Pole
(High Voltage)

under ground power line

Gate

RV Site 2

RV Site 1

existing Drivings
Riding Lounge
Dining hall Phase II
Kitchen (proposed)
myw (proposed) guest rooms
Restrooms
handicap parking

proposed phase III
bunk lodging
120' x 120'
Septic System
Commercial

West ← North → East

South

1 of 2

1086.97'

S0°07'18"E

NO°10'26"W
1085.18'

Riding arena
135
240
83

4226.7

WASH

WASH

4224.4 elev.

APPROVED

Owens County Joint
Permit Process

Master Permit Number

045090

Date of Issuance

7-15-04

Signature of Permit
Coordinator:

[Signature]

10x12 Tack shed
Storage Ex 10

60' Round pen

Horse Pens (4)

204'

Storage

197'

Wire fence
Horse Corral

307'

288'

Shooting Range phase I

WASH

300'

4232
elevation

Steep hill

4283
elevation

20' Back stops

20' tall
20' tall
20' tall
30' Long
Side discs

Found #4
Alum Cap
Martha LS 16182

ORIGINAL
Site Plan

C35



COMMUNITY DEVELOPMENT DEPARTMENT

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

(520) 432-9240
Fax 432-9278

Michael Turisk, Interim Planning Director

MEMORANDUM

TO: Keith Dennis, Planner II

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Tombstone Livery RV Park: SU-04-01A\Parcel #108-15-063E

DATE: February 23, 2011

The applicant is proposing to add 12 additional full hook-ups for RV units as well as laundry facilities at a site that currently has multiple uses including a shooting range, equestrian services, a primitive campground and RV parking spaces as well as a residential unit for the applicant/owners. An entryway sign is proposed at or near the current entryway gate. The Livery RV Park is located on approximately 39 acres in a Category D Rural area and was first permitted for uses in 2003.

Although this is a review of the requested modification a full traffic analysis was apparently not conducted for this site during the 2003 and 2004 permit process. This particular combination of rural land uses is unique and trip generation to the site subject to a number of factors that range from delivery trucks with feed for the stabled horses to seasonal peaks of RV units "camping" on-site. Based on equivalent uses in the ITE Manual, 8th ed. (such as Land Use 416 - Campground/RV Park/Land Use 412- County Park/Land Use 452- Horse Track) this site could be estimated to produce an average of 53 trips per day for residential uses and a wide range from 6 to 2,080 trips (average 88 per day) for recreational uses. A typical day would be the lower end of that range with the higher end of the range potentially occurring during specific special event days.

The Tombstone Livery RV Park is host to several annual events including the High Noon at Tombstone Livery Stables and the Bordertown Arizona Single Action Shooting Society practices and National Championship events. These events add intermittent event-scaled levels of traffic during selected days of each year.

The site takes direct access off of State Highway 82 and is located slightly west of the State Highway 80. An ADOT Encroachment Permit (#93206T) was obtained on Sept. 4, 2003 for a commercial apron and access onto Highway 82. At that time, the applicant's site plan submitted to ADOT with the 2003 Encroachment Permit indicated both back fencing and a cattle-guard at the entrance gate. This use, which has included equestrian activities since 2003, should have a standard ADOT cattle-guard installed to protect both the Highway 82 and Highway 80 corridors and it appears from the ADOT files and 2003 submitted site plan that it had been the intention to provide this feature at that time. There is no information to indicate if a cattle-guard had been placed at one time and then removed; however, at the present time one does not exist. State standards require that access taken onto a state highway in unincorporated Cochise County (an open

range county) are required to provide a cattle-guard as a condition of granting access onto the state highway system.

The current apron appears to be in good condition with a sufficiently wide radii at the highway although the driveway is immediately reduced at the property line to a single lane of about 16 feet wide with a gate, open at the time of a on-site visit, with a second gate permanently closing off the remaining 12 to 14 feet of the highway apron. Chip-seal continues for a short distance into the applicants property (for the open single lane) then continues throughout the rest of the site as a native surfaced roadway. This entryway width appears to have functioned adequately for the applicants intended purpose although it should be noted that this is considered to meet standards for a one-way driveway as it is somewhat less than the typical 24 feet for a standard two-way driveway. This access point serves multiple larger vehicles (RV's and Horse Trailers) and the full 30 foot width of the ADOT apron is more appropriate for the primary access driveway for this proposed use.

In 2003, and again in 2004, the applicants were conditioned with meeting section 1804.07 (D) requiring that all parking areas and driveways to be improved with a minimum of 2 inch thick gravel surfaces that "must be maintained for the duration of the use". An on-site visit in Feb 2011 found that this surface treatment was notably absent as was clear definition of internal roads, driveways, access aprons, parking spaces or separation of uses. Given the size of the property and the remoteness of the site this is not necessarily a serious problem; however, internal circulation would be improved with clearer roadway and parking space definition. The gravel requirement would either need to be complied with or a request for a waiver be submitted to the Planning and Zoning Commission along with this modification.

Per section 1904.10 no permanent ground sign may not be located any closer than ten (10) feet to any public right-of-way. In an e-mail on Feb. 16, 2011 ADOT commented that they would like to see this sign pushed back off the ADOT Right-of-Way stating "The archway by design adds to concerns with clear zones and the posts of the arch would need barrier protection". The proposed entryway sign is proposed as 20-foot in width. Again, this width would allow for adequate one-way traffic but not two-way traffic. The applicants may want to rethink the entry-way sign design to accommodate a full 24 foot width and placement at a minimum 10 feet back off the state highway right-of-way line.

Recommendations

We concur with ADOT that a full Traffic Impact Analysis report is not needed at this time; however, ADOT advises that should future phases/modifications be submitted it may be necessary to obtain such a report to specifically consider the shoulder width and existing tapers along State Highway 82. Should the number of trips continue to increase at this site infrastructure improvements on the State Highway may become necessary to accommodate turning movements given the increase in traffic volumes along this corridor as well as the limited sight distance at the Livery RV Park access driveway.

The proposed entryway sign will be required to be located at least 10 feet back from the ADOT Right-of-Way line. The applicant should notify the Cochise County Planning department for a setback inspection prior to installing any permanent ground sign. It is suggested, but not required, that the applicant re-design the entry drive archway to accommodate a full 24 foot roadway width and may wish to reconsider their design given the setback requirement.

It is suggested that the primary driveway be a minimum of 24 feet in width and any one-way internal roadways be a minimum of 12 feet in width. However, the site is large enough and the placement of the various features of this RV park appear to work adequately well with winding and varied widths roads and we would not make this a requirement at this time. It is suggested that the applicants request a waiver from the gravel requirements unless they do intend to place gravel throughout the site on all driveways and parking areas as required under section 1804.07 (D). We would support such a waiver as it would allow the areas around the stables to remain as a hard-packed native surface typically preferred for equestrian uses and the applicants could then choose a variety of surface treatments in keeping with the historic look and feel of this site for the primary driveways and RV parking spaces.

The applicants will be required to obtain an ADOT Encroachment permit and install, to ADOT standards, a cattle-guard at the State Highway 82 Right-of-Way line. The Encroachment Permit should be obtained prior to permit issuance and should be constructed within the one-year timeframe of the ADOT Permit. Permit information and design standards are available on-line at: <http://www.dot.state.az.us/Highways/Districts/Safford/index.asp> or the applicant may contact Armando Membrila, Permits Office at Safford District, at 2082 US Hwy 70, Safford, AZ 85546; or call 928.432.4915.

No other off-site improvements are needed at this time. The site plan as submitted with the Commercial Permit should detail the driveway widths and provide sight triangles as described in section 1807.06 to assist with the appropriate placement of the planned RV hook-ups.

cc: Docket SU-04-01A

Dennis, Keith

From: Dennis, Keith
Sent: Thursday, March 03, 2011 1:14 PM
To: Dennis, Keith
Subject: FW: Tombstone Livery RV Park SU04-01A
Attachments: 93206.pdf

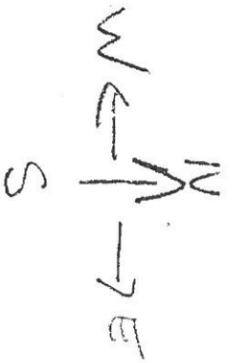
From: Armando Membrila [mailto:AMembrila@azdot.gov]
Sent: Thursday, February 24, 2011 11:08 AM
To: Lambertson, Karen; Dennis, Keith
Cc: Dee Crumbacher
Subject: RE: Tombstone Livery RV Park SU04-01A

Attached is the ADOT permit issued for this applicant; as the drawing submitted by the applicant shows, they were placing a cattle guard just inside their property line; at the time (2003), with the applicant placing the cattle guard on private property, as long as there was adequate back fencing, ADOT would allow the proposed and would depend on the County to ensure the improvements for the private property (as shown on the site plan) would be implemented/constructed.

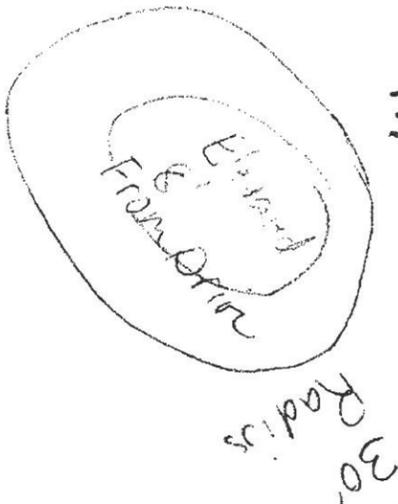
With the regulations and specifications that must be addressed today, the cattle guard would be required and required to be placed straddling the ADOT right of way line and private property line as ADOT personnel do not have the authority to be on private property to check back fencing.

Please contact me if I can be of further assistance.
AJM.

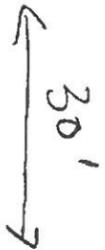
Armando J. Membrila, CPM
ADOT Safford District Office
2082 E. Highway 70
Safford, AZ 85546
(P) 928-432-4915 (C) 520-507-7555
email: amembrila@azdot.gov



Hwy 82



Property Line



Property Line

To Hwy 80



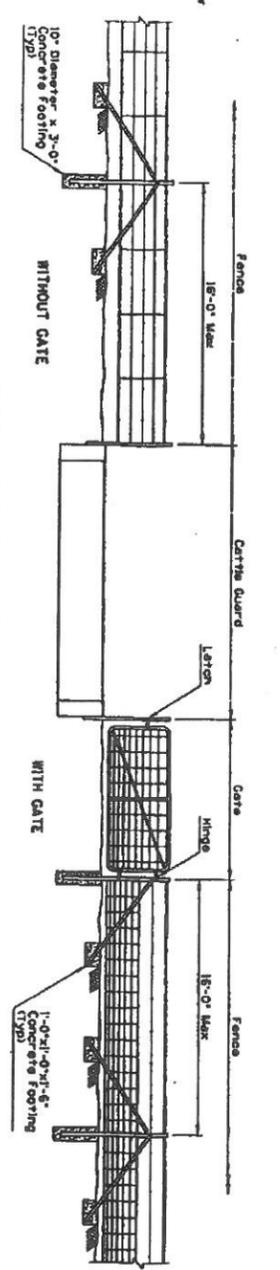
Cattle Guard



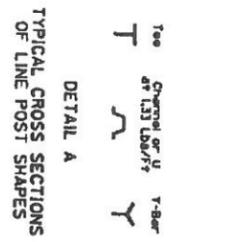
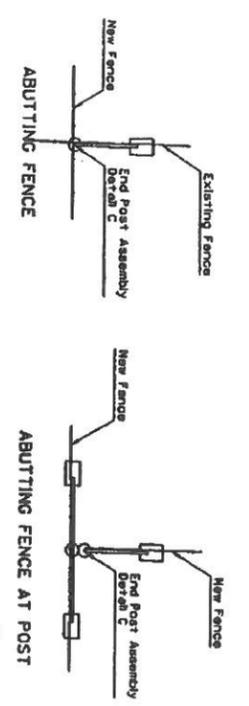
Power pole

*Could you please send us a traffic CO?

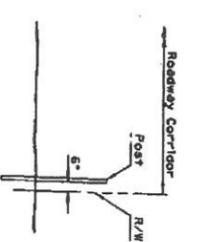
DATE	BY	SCALE



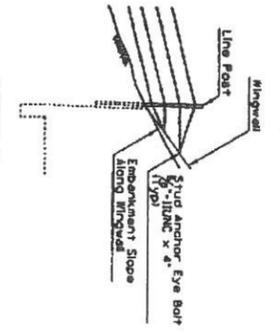
TYPICAL FENCE LOCATION AT CATTLE GUARD



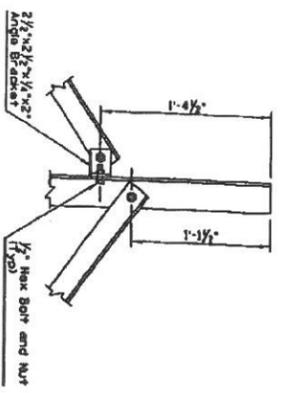
TYPICAL CROSS SECTIONS OF LINE POST SHAPES



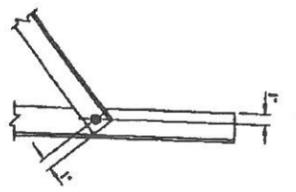
TYPICAL FENCE LOCATION



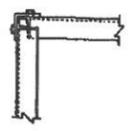
FENCE CONNECTION TO WINGWALL



INTERMEDIATE POST ASSEMBLY



END POST ASSEMBLY



CORNER POST ASSEMBLY

GENERAL NOTES
 1. Post assemblies shall consist of an upright angle
 2 3/4 x 3/4 x 1/2 at 4.10 lbs/ft, end brace angles
 2 x 2 x 1/2 at 3.19 lbs/ft.

DESIGNED BY <i>Joseph A. DeBenedictis</i>	STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS STANDARD DRAWINGS	DATE 7/94
CHECKED BY <i>Richard W. [Signature]</i>	① FENCE MISCELLANEOUS DETAILS	PROJECT NO. C-4210
		SHEET 3 OF 3

47

From: McGee, Michael
Sent: Wednesday, February 09, 2011 4:27 PM
To: Dennis, Keith
Subject: RE: Transmittal SU-04-01A (Tombstone Livery).pdf
Keith,

We have the following comments:

1. With the 3 existing connections to the water system and the addition of 12 more connections this will be an ADEQ regulated water system. 15 connections, or 25 people is the threshold. The applicant should contact ADEQ to begin that review.

2. A state certified evaluator must design the proposed septic system(s). These should be submitted through P&Z for EH's review as commercial system(s). The fee for a commercial septic system is \$600.00.

The contact for EH will be Tim Wyatt at 803-3920.

Let me know if you need further information, Mike

Michael McGee, RS
Environmental Health Director
Cochise County Health Dept.
mmcgee@cochise.az.gov
Benson 520-586-8206
Bisbee 520-432-9444

From: Dennis, Keith
Sent: Wednesday, February 09, 2011 2:51 PM
To: Lambertson, Karen; Cratsenburg, Diane; Flores, Dora; Holden, Jack; McGee, Michael; Rothrock, Rod; bramirez@theriver.com; cityclerk@cityoftombstone.com; Couchenour, Terry E.Jr; Kent, Gretchen R Ms CIV USA IMCOM
Cc: cruzs@cox.net; p_edie_99@yahoo.com; bemisr@vtc.net; English, Ann; Turisk, Mike; De La Torre, Carlos
Subject: Transmittal SU-04-01A (Tombstone Livery).pdf

<< File: Transmittal SU-04-01A (Tombstone Livery).pdf >>

Dennis, Keith

From: Teresa M Evans [tombstonelivery@msn.com]
Sent: Wednesday, February 23, 2011 9:53 AM
To: Dennis, Keith
Subject: RE: SU-04-01A - Deficiencies and Modifications

Howdy Dennis,

Great Idea!
We had satisfied the gravel requirement and were approved in 04.
But yes it has dissipated, packed or crushed to sand.
Thanks for the suggestion about the modification.

We have had several of our guests arriving after dark that missed our driveway and had to go 5 miles to get turned around to come back.
So we would like to add lighting to our front gate, and overhead archway to eliminate that problem.
I do realize there would be strict lighting codes to follow but we are willing to comply for the advantage of our guests being able to find us.

thanks Partner!

Best Regards, Cowboy Doug

Subject: SU-04-01A - Deficiencies and Modifications
Date: Tue, 22 Feb 2011 15:27:08 -0700
From: KDennis@cochise.az.gov
To: tombstonelivery@msn.com

Doug and Terri,
On the 2004 site plan the driveways and parking areas are labeled as having a 2-inch deep gravel surface. I observed a native dirt surface on the site during my visit last week. This may be a development standard you would seek to have waived through a modification request. If you so choose, please email me back a request to have the gravel surface requirement waived. I will then pass that on to the Commission with the rest of the packet for their consideration.
Thank you.

Keith Dennis - Senior Planner
Cochise County Community Development
1415 Melody Lane
Bisbee AZ 85603
Phone (520) 432-9244
Fax (520) 432-9278

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

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Dennis, Keith

From: Teresa M Evans [tombstonelivery@msn.com]
Sent: Thursday, March 03, 2011 12:46 PM
To: Dennis, Keith
Subject: Entrance archway

Keith,

Trucks servicing our facility are up to 16 ft. tall. (Hay Semi's)

So Max height should be 18.5 ft.

Thank you
Best Regards, Cowboy Doug



TOMBSTONE
LIVERY STABLE
"PRESERVING OUR WESTERN HERITAGE"
520-457-3559

January 6, 2011

Tombstone Livery Stable
P. O. Box 27
Tombstone, AZ 85638

Neighboring Property Owner,

I am contacting you on behalf of the Tombstone Livery Stable located at 919 W. Hwy 82, near the junction of Hwy 80 and 82.

Over the past years we have had an increase in the number of people wanting to spend the winter months at our facility camping with their RV and horses. We would like to expand our operation adding 12 RV spaces and a small laundry facility to accommodate the demand. Each year we bring an increasing number of people to Tombstone with events held here. The addition of 12 RV sites will enhance the current operation and add to the economy of the area.

We hope you find our proposal a positive endeavor. Please submit any comments and/or concerns to tombstone_livery@msn.com, or write to P. O. box 27 Tombstone, AZ 85638. You can also phone at (520) 457-3550.

Thank You.

Best Regards

Doug and Terri Evans

1/20/11

Citizen Review Report
for Evans expansion of 12
RV sites

Phone call from Doug Bell regarding
expansion had no complaint 1/2/11

1 Returned letter from Ronald
Crobotura.

No other responses

Deena M. Greene
1/20/11

SPECIAL USE: Docket SU-01-04A (Evans)

X YES, I SUPPORT THIS REQUEST (WE)

Please state your reasons: I ABSOLUTELY AGREE TO HAVING COMMUNITY DEVELOPEMENT OCCUR HERE - OF (TOMBSTONE AND SURROUNDING AREA(S))! IT IS OUR BELIEF THAT TOMBSTONE HAS THE ABILITIES TO MAINTAIN ITS PLACE IN HISTORY AND TO TAKE ON NEW DEVELOPEMENT... POSITIVE GROWTH WHILE PRESERVING HERITAGE IS WELCOMED. THE 'EVANS' PLAN HERE - OF DOES BOTH TO ACCOMPANY TOURIST(S) AND TO

DATE: 17 FEB 2011

NO, I DO NOT SUPPORT THIS REQUEST: GENERATE MONEY / CASH FLOW WITH PLEASE state your reasons: FIXED PROPERTY TAX... TAXES, INCOME & SPENDING!

PARCEL # 108-15-012

(Attach additional sheets, if necessary)

PRINT NAME(S): JASSE J PEAK SHAWN R PEAK

SIGNATURE(S): [Signatures]

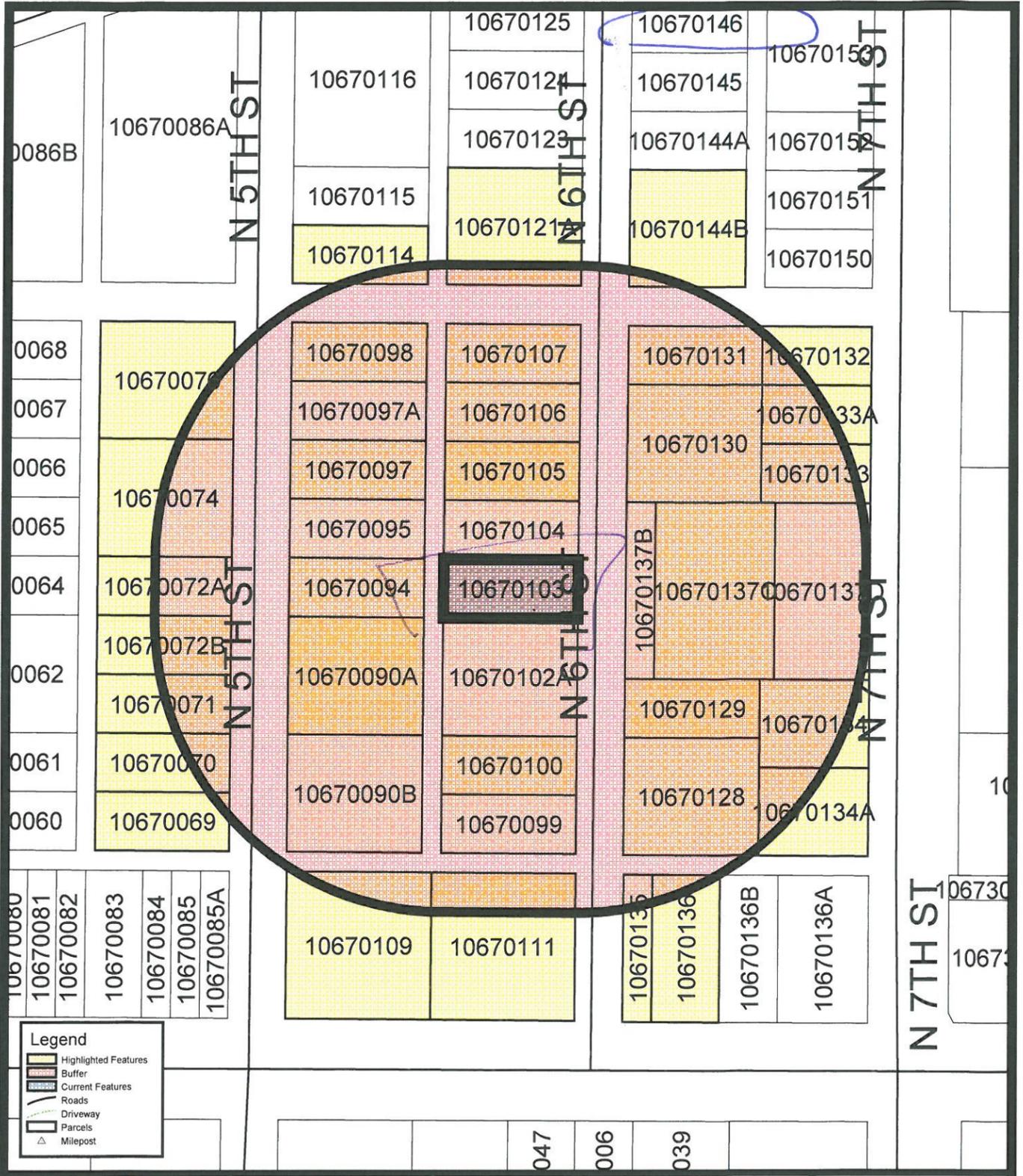
YOUR TAX PARCEL NUMBER: 108-15-0127 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 5329 NORTH CROWLEY LANE TUCSON ARIZONA 85705

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 February 28, 2011 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) 432-9278

COCHISE COUNTY FEB 28 2011 PLANNING



SU-11-02
 Murphey
 106-70-103
 300' Buffer

This map is a product of the
 Cochise County GIS



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., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Keith Dennis, Senior Planner

For: Michael Turisk, Interim Planning Director

SUBJECT: Docket SU-11-02 (Murphy)

DATE: March 1, 2011 for the March 9, 2011 Meeting

REQUEST FOR A SPECIAL USE

Docket SU-11-02 (Murphy): The Applicant seeks a Special Use authorization from the Planning and Zoning Commission for Manufacturing in a General Business District, per Section 1205.01 of the Zoning Regulations. The Applicant proposes to legitimize an existing 3,600 square-foot building on a 7,314 square-foot parcel as a welding and powder coating operation.

The subject parcel (Parcel No. 106-70-146) is located 127 N. 6th Street in Sierra Vista, AZ. The Applicant is Steve Murphy of Arc Works Welding.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 7,314 Square Feet

Zoning: GB (General Business)

Growth Area: Category A (Urban Growth Area)

Plan Designation: ENT – Enterprise Redevelopment

Area Plan: Sierra Vista Sub-Watershed

Existing Uses: Welding and Powder Coating Operation

Proposed Uses: Unchanged

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Warehousing
South	GB	Commercial (Piano Tuning)
East	GB	Auto Repair
West	GB	Auto Body Shop

II. PARCEL HISTORY

1986 – Permit issued for construction of the building currently used by the Applicant;
 1992 – Permit issued to change use to auto repair;
 1995 – Arc Works Welding shop established on the property.
 2010 – Violation for business without a permit (powder coating).
 2011 (January) – Gas Compliance permit issued.

III. SPECIAL USE REQUEST AND BACKGROUND

Arc Works Welding has been in continuous operation on the subject property for approximately 15 years. From 2008 to late 2010, the Applicant also operated a powder coating business a block away, on 5th Street. In December of 2010, the owner of the 5th Street property sold it, and the powder coating operation had to move or close down. The Applicant moved the powder coating operation to the 6th Street location; this drew the attention of code enforcement staff who cited the Applicant for operating a business without a permit. The Applicant was informed that welding and powder coating operations are considered Manufacturing, which is allowed by Special Use only in a General Business District. The Applicant then began the Special Use process in order to legitimize the operation.



Northeast view of Arc Works Welding and Powder Coating.

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 four of these as submitted; with the recommended Conditions of Approval and requested modifications to site development standards, the project would comply with eight of the nine applicable criteria.

A. Compliance with Duly Adopted Plans: Complies (See Condition #3)

The special use is consistent with master development plans, transportation plans or other land use plans if any have been adopted for the area encompassing the special use.

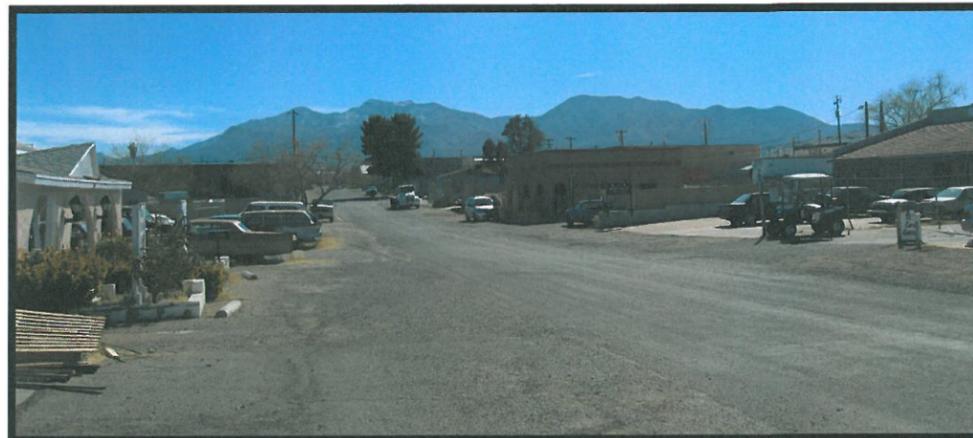
Condition #3, which is a standard condition recommended by staff for all Special Uses, would ensure compliance with the policies provided in the Sierra Vista Sub-Watershed Plan during the commercial permit phase of the project.

The project site is also within an area designated on the Cochise County Comprehensive Plan as “Enterprise Redevelopment.” These areas are defined as being “designated for improvement as a commercial/industrial area.” The business would comply with the Comprehensive Plan policy regarding appropriate land uses in this area.

B. Compliance with the Zoning District Purpose Statement: Complies

The proposed special use shall comply with one or more of the purposes stated in the "Purpose" section of the applicable zoning district and harmonious with existing development.

The purpose statements provided in Article 12 do not directly address industrial uses, except to say that commercial uses ought to be protected “from objectionable influences of industrial uses as well as incompatible residential development (Section 1201.05). However, inasmuch as compliance with this Factor depends also upon the “harmony” of a use relative to surrounding development, the business does comply. That is, the immediate area is home to a number of heavy commercial and/or industrial uses.



Southward view along 6th Street as seen from the subject property. The operation is within an area characterized by heavy commercial/light industrial uses.

C. Development Along Major Streets: Not Applicable

The project site does not take access from any major roadway.

D. Traffic Circulation Factors: Complies

1. *The special use is consistent with preservation of the functions of surrounding streets as defined in Section 102B3 (a-g) of the Comprehensive Plan.*

2. *The special use does not result in the use of any residential street for non-residential through traffic.*
3. *Consideration of future circulation needs in the surrounding area have been taken into account through right-of-way dedication and off-site improvements, if warranted.*

The project site takes access from N. 6th street, defined as an “urban collector road” (See Attachment D - Transportation Planner Comments). The County Transportation Planner recommends no off-site improvements for the use, as it is adequate as constructed and maintained for the Special Use. The use does not and would not result in any traffic passing through residential streets; this portion of 6th Street serves a commercial area.

E. Adequate Services and Infrastructure: Complies (Subject to Condition #2)

The following factors are used to determine if there are adequate services and infrastructure to serve the special use:

1. *The applicant has provided adequate information to evaluate the impacts on roads, other infrastructure and public facilities. The applicant must demonstrate that there are adequate provisions to address the impacts identified; the applicant shall provide data supporting the estimated traffic volume as part of the application.*
2. *If the site accesses on a road where existing demonstrable traffic problems created by incremental development have already been identified, such as a high number of accidents, substandard road design or surface, or the road is near or over capacity. If so, the applicant has proposed a method to address these problems.*
3. *The proposed development meets or will meet the applicable requirements for street, sewer, or water improvements.*
4. *The site has access to streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by the use.*

The project site is served by an on-site septic system. Liberty Water Company provides water, SSVEC provides electric power, and the Fry Fire District provides fire protection. As discussed above, 6th Street is considered adequate for the welding/powder coating operation.

F. Significant Site Development Standards: Does Not Comply (See Condition #1 and Requested Modifications to Site Development Standards)

The special use adequately addresses the significant applicable site development standards, including development in or near a floodplain. The applicant has adequately justified any waivers requested from site development standards.



Two views (North and East) of the rear yard, which is used for work and outdoor storage. The Applicant has requested a screening modification, asking that fence-slating be accepted by the Commission.

The structure on the property cannot meet all site development standards as it currently exists. As such, the Applicant requests a number of development standard waivers and/or modifications from the Commission. These include:

- A Modification to the 80-foot setback required for Special Uses in a GB District (Section 1203.02);
- A Modification to the 85% site coverage limit in a GB District (1203.03). When the concrete pads East and West of the building are accounted for, the existing site coverage is essentially 100%;
- A Waiver to Section 1803, which prohibits setback areas from being used for outdoor storage;
- A Waiver from Section 1203.05, which requires outdoor storage areas to be screened;
- A Waiver from Category A landscaping requirements as required by Section 1806;
- A Waiver from Section 1804.06.F, which requires that parking area access be limited to “definable entry and exit driveways;” and
- A Waiver from the requirement for one 12’ x 45’ loading space (Section 1804.10.A).

Due to the existing building and conditions on the property, some of these requested modifications are unavoidable. With a one-foot setback along the North property line, for example, the building as it exists could not meet even the five foot setback required for permitted uses in a GB District. Installing landscaping might involve removing paving that has existed on the property since before the County required such measures. In order to facilitate, or encourage development in the Fry Townsite area, the County and the City of Sierra Vista have often relaxed

site development standards, especially to accommodate existing conditions on properties such as this one. The character of the neighborhood in which the use exists, characterized by small lots covered by impervious surfaces and heavy commercial structures, means that allowing the existing development on the property to remain as it exists would not result in undue impacts to the neighborhood, nor would it result in a development out of character with its surroundings. Moreover, the Comprehensive Plan policies concerning areas carrying an Enterprise Redevelopment designation state that “flexibility in site development and building code standards may be appropriate to facilitate investment.” For these reasons, staff supports the modifications to development standards as requested by the Applicant.

In addition to the above deficiencies, there remain a number of minor, correctable deficiencies on the site plan as submitted. For example: the height of the building must be labeled on the site plan; the locations of outdoor storage areas and exterior lighting fixtures must be labeled as well. Condition #1 is a standard condition which staff recommends for all Special Uses. It would require, prior to the issuance of a permit, a new site plan, which meets the requirements of Section 1705 of the Zoning Regulations.

G. Public Input: Complies

If there is major public opposition to a proposed special use, this may indicate that the technical evaluation regarding compatibility of the use does not concur with the view of local residents and a recommendation of denial may be appropriate. If public concerns have been raised, it is fair to ask if the applicant has made a reasonable effort to address these concerns through the Citizen Review Process. If there is major public support of a proposed use, this may be a factor in favor of the request.

The Applicant completed the Citizen Review process and received no response. The County’s required mailings prompted a statement of support from five neighboring property owners, including the owner of the subject property as well as three others within the notification area (See Section V of this Memo and Attachment G – Public Comment)

H. Hazardous Materials: Complies (Subject to Condition #2)

Impacts from special uses that may involve hazardous materials have been adequately mitigated.

The operation uses, per the Applicant, oxygen, acetylene and other materials associated with welding and powder coating. Although the Applicant completed the required Hazardous Materials worksheet, the County will need Material Safety Data Sheets for all hazardous materials. Staff recommends, as Condition #2, that the Applicant provide this documentation prior to permit issuance.

I. Off-site Impacts: Complies

Adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights or storm water run-off.

On the Questionnaire, the Applicant indicates that no off-site impacts will take place: noise, odors, glare, or light impacts. However, it seems reasonable to conclude that noises or other activities associated with the operation might be perceptible off-site. The project site is

surrounded by uses such as warehousing, automotive repair and some light industrial uses. Staff's position is that any off-site impacts would be typical for the neighborhood.

J. Water Conservation: Complies (See Condition #3)

The special use complies with the water conservation policies in Section 102E of the County Comprehensive Plan or any other adopted area plan.

As discussed under Factor A, above, the project site is within the Sierra Vista Sub-Watershed Plan area. Condition #3 would ensure compliance with the Sub-Watershed Plan for any new construction during the permitting phase of the project.

V. PUBLIC COMMENT

Staff mailed notices to property owners within 300 feet of the subject property, posted the property as required, and published a legal notice on February 17, 2011. Within the 300-foot notification buffer, staff has received five letters from neighboring property owners in support of the request, and none opposing. One letter, from the owner of the subject property as well as three others within the notification area, includes signatures of support from tenants occupying each.

VI. SUMMARY AND CONCLUSION

Factor in Favor of Allowing the Special Use

1. With the recommended conditions, the project would comply with eight of the nine applicable Special Use evaluation factors;
2. The project site is designated as an Enterprise Redevelopment area on the Cochise County Comprehensive Plan, and as a light industrial use, the operation is in keeping with the policies regarding appropriate development in the area.
3. The business is supported by neighboring property owners and occupants. Five property owners wrote in support of the project from within 300 feet of the project site. Additionally, three business owners from the immediate area support the project.

Factor Against Approval

1. The Applicant was cited for operating the powder coating business on the property without a permit;
2. Due in part to a combination of unavoidable factors presented by the existing building, the project cannot or would not meet a number of site development standards.

VII. RECOMMENDATIONS

Based on the factors in favor of approval, staff recommends **conditional approval** of the Special Use request, subject to the following conditions:

1. Within thirty (30) days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12 months of approval, including a completed joint permit application. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire, and appropriate fees. A permit must be issued within 18 months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant.
2. Prior to permit issuance, the Applicant shall submit Material Safety Data Sheets for all hazardous materials utilized as part of the operation.
3. 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.
4. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

Sample Motion: *"Mr. Chairman, I recommend approval of Docket SU-11-02, with the conditions of approval as recommended by Staff, and with the modifications to site development standards as requested by the Applicant; with the factors in favor of approval constituting findings of fact."*

VIII. REQUESTED MODIFICATIONS TO SITE DEVELOPMENT STANDARDS

The Applicant has requested to following modifications/waivers to site development standards:

- A Modification to the 80-foot setback required for Special Uses in a GB District (Section 1203.02);
- A Modification to the 85% site coverage limit in a GB District (1203.03). When the concrete pads East and West of the building are accounted for, the site coverage is essentially 100%;
- A Waiver to Section 1803, which prohibits setback areas from being used for outdoor storage;
- A Waiver from Section 1203.05, which requires outdoor storage areas to be screened;
- A Waiver from Category A landscaping requirements as required by Section 1806;
- A Waiver from Section 1804.06.F, which requires that parking area access be limited to "definable entry and exit driveways;"
- A Waiver from the requirement for one 12' x 45' loading space (Section 1804.10.A).

IX. ATTACHMENTS

- A. Special Use Application
- B. Location Map
- C. Site Plans and Floor Plans
- D. Transportation Planner Comments
- E. Requested Modifications to Site Development Standards
- F. Citizen Review

G. Public Comment



COCHISE COUNTY PLANNING DEPARTMENT

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Susan Buchan, Director

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

TAX PARCEL NUMBER: 106 - 70 - 103

APPLICANT: STEVE MURPHY

MAILING ADDRESS: 950 HORNER DR. SV AZ 85635

CONTACT TELEPHONE NUMBER: 520 508 2016

PROPERTY OWNER (IF OTHER THAN APPLICANT): SAMUAC CASEY

ADDRESS: 500 CIBOLA WAY SV AZ 85635
Steve.ARCworks.welding@gmail.com

DATE SUBMITTED: 12-14-10

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

PAID
KA
1/18/2011

PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. **(Please note that nine (9) copies will be required for projects occurring inside the Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)**
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner, stating authorization of the Commercial Building/Use/Special Use Application.
5. Citizen Review Report, if special use.

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. Sierra Vista Sub-Watershed Water Conservation Overlay Zone Permit Checklist
7. 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.**
8. Material Safety Data Sheets
9. Extremely Hazardous Materials Tier Two Reports
10. 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? STEEL STORAGE
2. What is the proposed use or improvement? MOVE POWDER COATING BUSINESS IN TO PROPERTY
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? POWDER COATING AND BAKING. ALL ACTIVITIES ENCLOSED NO IMPACT TO OTHER PROPERTIES

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

POWDER COATED STEEL PRODUCTS
MAINLY WROUGHT IRON, AUTO/MOTORCYCLE PARTS

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)

N/A

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.

NA

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 5 Hours (from 8:30AM to 4:30PM)

B. Number of employees: Initially: 2 Future: _____
Number per shift Seasonal changes _____

C. Total average daily traffic generated:

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

2-4

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

2 PICK UPS 3/4 TON

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

N. 6TH ST NORTH AND SOUTH

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

50% either way

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

MON - FRI 8-4

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 ~~50~~ 20 per year 6000

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
D. 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:

Service	Utility Company/Service Provider	Provisions to be made
Water	LIBERTY water	(RD)
Sewer/Septic		
Electricity	SSVEC	
Natural Gas	SOUTH WEST	
Telephone	QWEST	
Fire Protection	FRY	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

NA

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. 3 x 4 WALL 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)

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

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?

Yes ___ No If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

SECTION C - Water Conservation and Land Clearing

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

NA

2. How many acres will be cleared? NA

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

Steve Murphy

Date signed

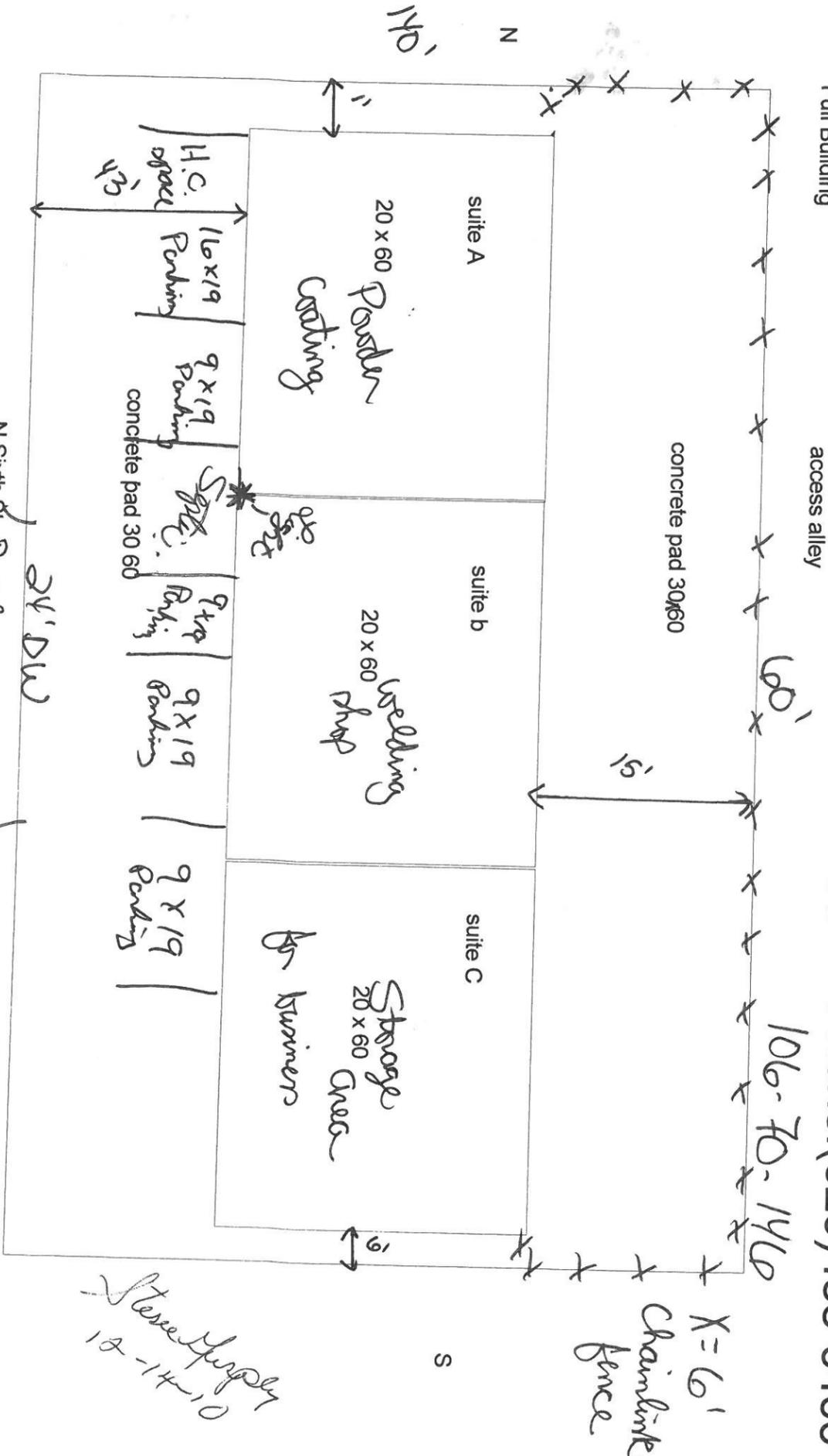
12-14-10

----- utility FAX

no utilities 300'

ob description: Proposed Building Layout
for Powder Coating Shop
at 127 Suite A North Sixth St.

Arc Works Welding
127 N.6th Street
Sierra Vista, AZ. 85635
Phone: (520)458-0400



customer data: Louise Courly P&L

job description: Proposed Building Layout

for Powder Coating Shop

at 127 Suite A North Sixth St.

Full Building

access alley

106-70-146

no washes 300'

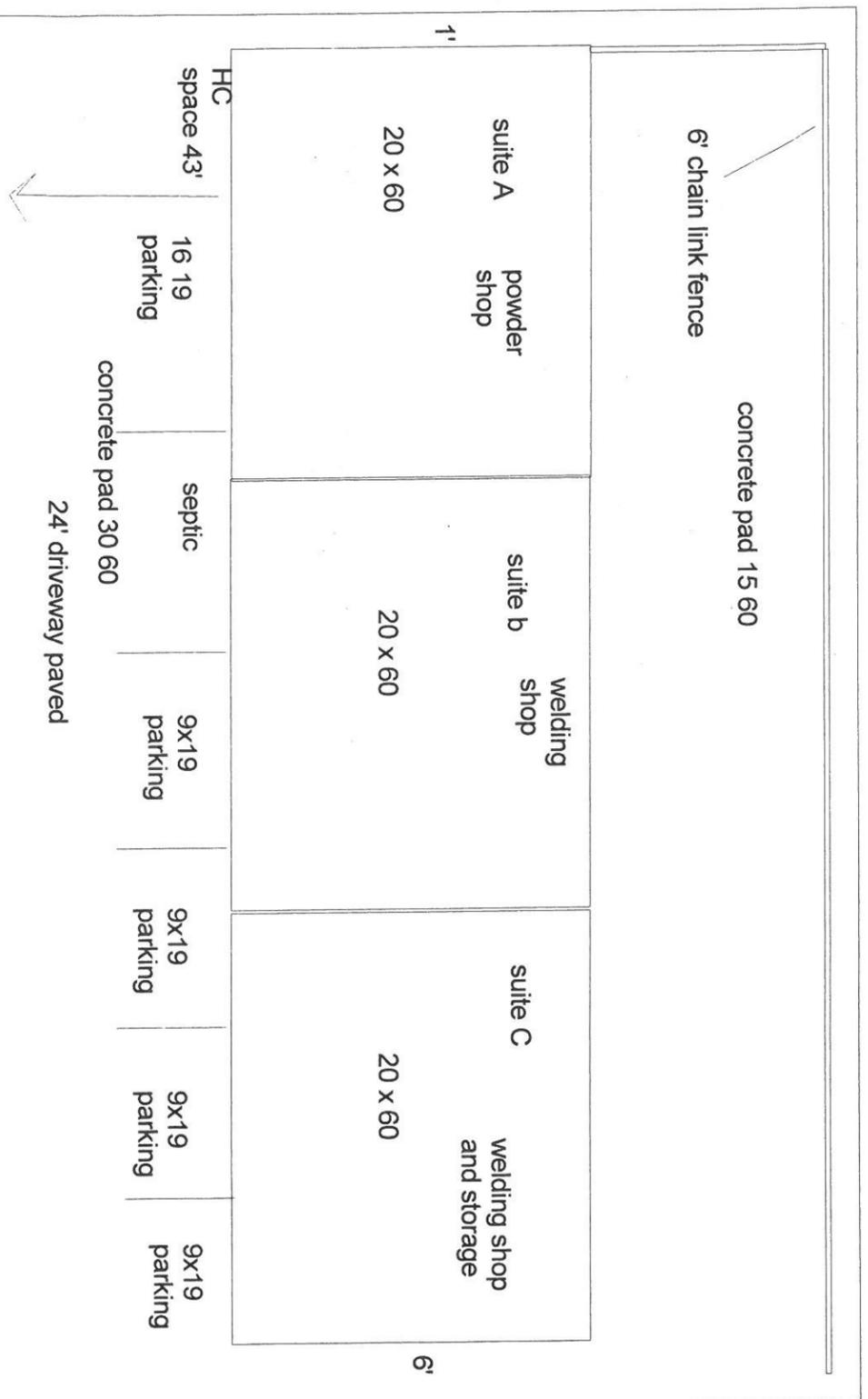
Arc Works Welding

127 N.6th Street

Sierra Vista, AZ. 85635

Phone:(520)458-0400

189



N.Sixth St.



COMMUNITY DEVELOPMENT DEPARTMENT

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

(520) 432-9240
Fax 432-9278

Michael Turisk, Interim Planning Director

MEMORANDUM

TO: Keith Dennis, Planner II

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Powder Coating Business in Fry Township: SU-11-02 Parcel #106-70-103-146

DATE: February 22, 2011

The applicant currently has a 3,600 square foot building currently being used for various manufacturing uses. Adding and/or changing the use to a welding and powder coating operation is proposed. The proposed site plan indicated that about 1/3rd of the building would be used for the powder coating work with the remainder of the site used for the welding shop and storage of supplies. Direct sales are not proposed on site and the applicant estimates a total of two employees.

The site takes access off of N. Sixth St., a county-maintained, 20-foot cross-section, chip-sealed, urban collector road in the Fry townsite (a county enclave within the City of Sierra Vista). 50 feet of Right-of-Way exists for N. Sixth St. The road has been identified as being in fairly good condition with some regular maintenance patching work scheduled in the next fiscal year.

This use is estimated to generate between 4 and 13 trips per day per the ITE Manual, 8th ed., Land Use 140 Manufacturing.

Recommendation

This use would not notably change the traffic pattern or volume in this area and no off-site improvements are needed at this time. We have no objection to granting the use requested. The applicant is advised that their parking area should be kept unencumbered by materials so that delivery trucks and employees can safely park on-site and not in the street (which is not designed for off-street parking).

cc: Docket SU-11-02

Date: 26 February 2011

From: ARC Works Welding
127 N. 6th Street
Sierra Vista, AZ 85635

To: Cochise County

Attn: Keith

1. The allowable site coverage in a GB District is 85%, and this figure includes concrete surfaces such as are found on the property. Staff estimates your site coverage to be right at 100%. In order to allow this site-specific condition to remain, I recommend you as the Commission to modify this requirement to accommodate existing conditions on site.

Response: Because of the age of the structure and lay-out of the building, reducing to 85% is not practical. Therefore, I request the Commission to modify this requirement.

2. The minimum setback for Special Uses in a BG District is 80 feet. Again, the existing conditions on the property cannot accommodate this standard; the recommendation is the same as in #1, that a modification be requested from the Commission to allow the existing building to remain as is.

Response: Existing building conditions cannot accommodate setback requirement, therefore I request a modification to remain as it currently exists.

3. Section 1803 of the Zoning Regulations lists the allowable encroachments into setback areas. You have an outdoor storage area at the rear (West side) of the property, within the setback area. If you wish to keep this area as outdoor storage, you must ask for a modification from the Commission.

Response: I would like to request a modification for the outdoor storage area & building for safety and space reasons.

4. Outdoor storage areas in a GB District must also be screened with a six-foot high screening method, such as a block wall or privacy-link slatted fence. If you wish to keep this area as it is, a modification would be required.

Response: I will comply to the 6 foot high screening requirement. I have installed a 6 foot chain link fence and will add the slatted fence.

5. The parking spaces on the site must be striped to the proper parking space size: 9' x 19' for regular spaces, and 9' x 16' for handicap space.

Response: I will comply with striped parking spaces.

6. One 12' x 45' loading space is required on the site, striped according to those dimensions. It may be that there is insufficient room for a loading space without conflicting with the parking area, or that trucks of that size do not typically visit the site. If this is the case, you may ask for a modification. Otherwise, please revise the site plan to show the space.

Response: We receive steel delivery twice a month. The steel is off loaded with a fork lift and placed directly into the storage area. I would like to request a modification to this requirement and use it for parking.

7. A 5-foot strip of landscaping is required along 6th Street, and a minimum of 5% of the site area is required to be landscaped. This may also be the subject of a modification request owing to site-specific conditions.

Response: Because of the condition of the property there is no area that allows for landscaping due to concrete and asphalt. Therefore, I request a modification for the landscaping requirement.

8. Staff notes that outdoor lightning does exist on the property. Outdoor lighting will have to be evaluated for compliance with the Cochise County Light Pollution Code before a permit can be issued. A lighting worksheet will have to be completed in order to evaluate CCLPC compliance. This may be done after the Commission hearing, but before any permit can be issued.

Response: To be addressed at a later date. There is currently outside lighting but whether in compliance or not, I have no idea.

9. Although a Hazard Materials Worksheet has been completed for the materials used in the operation, Material Data Safety Sheets will have to be completed for each. As with the light pollution code, above, staff will recommend this as a condition of approval for the operation.

Response: I will await recommendations.

10. Staff will also recommend a condition requiring you to abide by any other local, state or federal requirements as applicable. This may or may not include such items as ADA compliance with regard to accessibility provisions within the building (restrooms), or Arizona Department of Environmental Quality compliance with regard to the equipment or processes used in the operation.

Response: This appears to be not applicable to the type of work that is performed within this business. Customers are dealt outside this facility preferably at their home residence or business, or contractor's office. Information is passed via telephone or email.

11. One, the HC Space should be 16' x 19'. Also, in order to leave the driveway area as it is, you would need to ask for one more modification. Section 1804.06.F requires that "driveways to a parking area from a street be limited to definable

entry and exit driveways." Unless you wanted to stripe out entry and exit arrows on the site, you would probably want to have this standard waived as well.

Response: I request a waiver due to space requirements, building structure and property lay-out.

SPECIAL USE: Docket SU-11-02 (Murphey)

YES, I SUPPORT THIS REQUEST

Please state your reasons: This will help the west end business.
More TRAFFIC IS ALWAYS better on this end. There
IS a demand for a Powder Coat Business.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): Greg Montoya

SIGNATURE(S): Greg Montoya

YOUR TAX PARCEL NUMBER: 10670109 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 601 E 609 e Fry BLVD SV AZ 85635

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 February 28, 2011 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 pubic 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) 432-9278

COCHISE COUNTY
FEB 22 2011
PLANNING

673

SPECIAL USE: Docket SU-11-02 (Murphey)

YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

The old shop was across the street and there was no problem with that.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): Robert C. Hannon

SIGNATURE(S): *Robert C. Hannon*

YOUR TAX PARCEL NUMBER: 10670072A (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 1105th St.

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 February 28, 2011 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.**

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Bisbee, AZ 85603
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Fax: (520) 432-9278

**COCHISE COUNTY
FEB 10 2011
PLANNING**

u74

SPECIAL USE: Docket SU-11-02 (Murphey)

YES, I SUPPORT THIS REQUEST

Please state your reasons: I have operated Desert Horizon Electric from this address for several years and have observed Mr. Murphy's business during that time. He runs a clean operation, is very pleasant to deal with, and should be allowed to continue to operate his welding & proposed powder coating business there.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S):

Theo. C. Goodbaugh

SIGNATURE(S):

Theo. C. Goodbaugh

YOUR TAX PARCEL NUMBER: 106-70-144B (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 119 & 121 N. Sixth Street

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 February 28, 2011 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) 432-9278

COCHISE COUNTY
FEB 28 2011
PLANNING

A
75

SPECIAL USE: Docket SU-11-02 (Murphey)

 YES, I SUPPORT THIS REQUEST

Please state your reasons: Arco Works Welding provides
a valuable service to the community,
as well as needed employment

 NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): Thomas H. Bowie

SIGNATURE(S): Thomas H. Bowie

YOUR TAX PARCEL NUMBER: 106-70-144-17 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 123 N 6th St, Sierra Vista, AZ 85635

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 February 28, 2011 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.**

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Bisbee, AZ 85603
Email: kdennis@cochise.az.gov
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COCHISE COUNTY

FEB 28 2011

PLANNING

A76

Samuel B. Casey
500 Cibola Way
Sierra Vista, AZ 85635-2142

February 22, 2011

COCHISE COUNTY
FEB 21 2011
PLANNING

Cochise County Planning & Zoning Commission
1415 Melody Lane, Building E
Bisbee, AZ 85603

Subject: Docket SU-11-02 (Murphey)

Dear Sirs:

I am the owner of the property in question described as 127 N. 6th Street in Sierra Vista and as such the landlord of Steve Murphey, dba, Arc Works Welding. I am writing in support of the "Special Use" authorization to allow this business to continue to operate at this address.

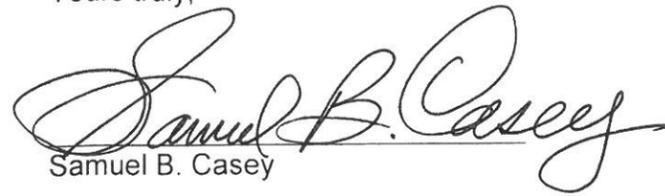
I have found Steve Murphey to be open, honest, competent in management and production, co-operative as a renter and neighbor, never late with the rent; in essence, a very good renter. As a testament to his skill, his business has consistently grown over the years not only with the general public, but also with local contractors and government organization on Ft Huachuca. He is a credit to our business community, the type of businessman that we should encourage and support. With the addition of the powder coating operation, I consider Arc Works to be the premier welding shop in the Sierra Vista area.

Arc Works Welding has been at this location since July of 1997. During that time, I know of no complaints regarding its operation. Arc Works fits in well with the other commercial businesses on North 6th Street. I also own three other properties on 6th Street, two of which are across the street at 124 and 126. These properties are rented to commercial businesses in the automotive repair industry. I have consulted with these men and they are in complete agreement with my assessment of Steve Murphey and Arc Works Welding. They have signed this letter in their support of this request.

We urge the Commission to approve this Special Use authorization.

A
77

Yours truly,

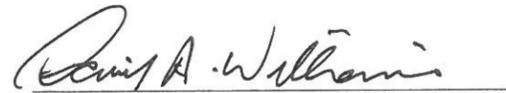

Samuel B. Casey



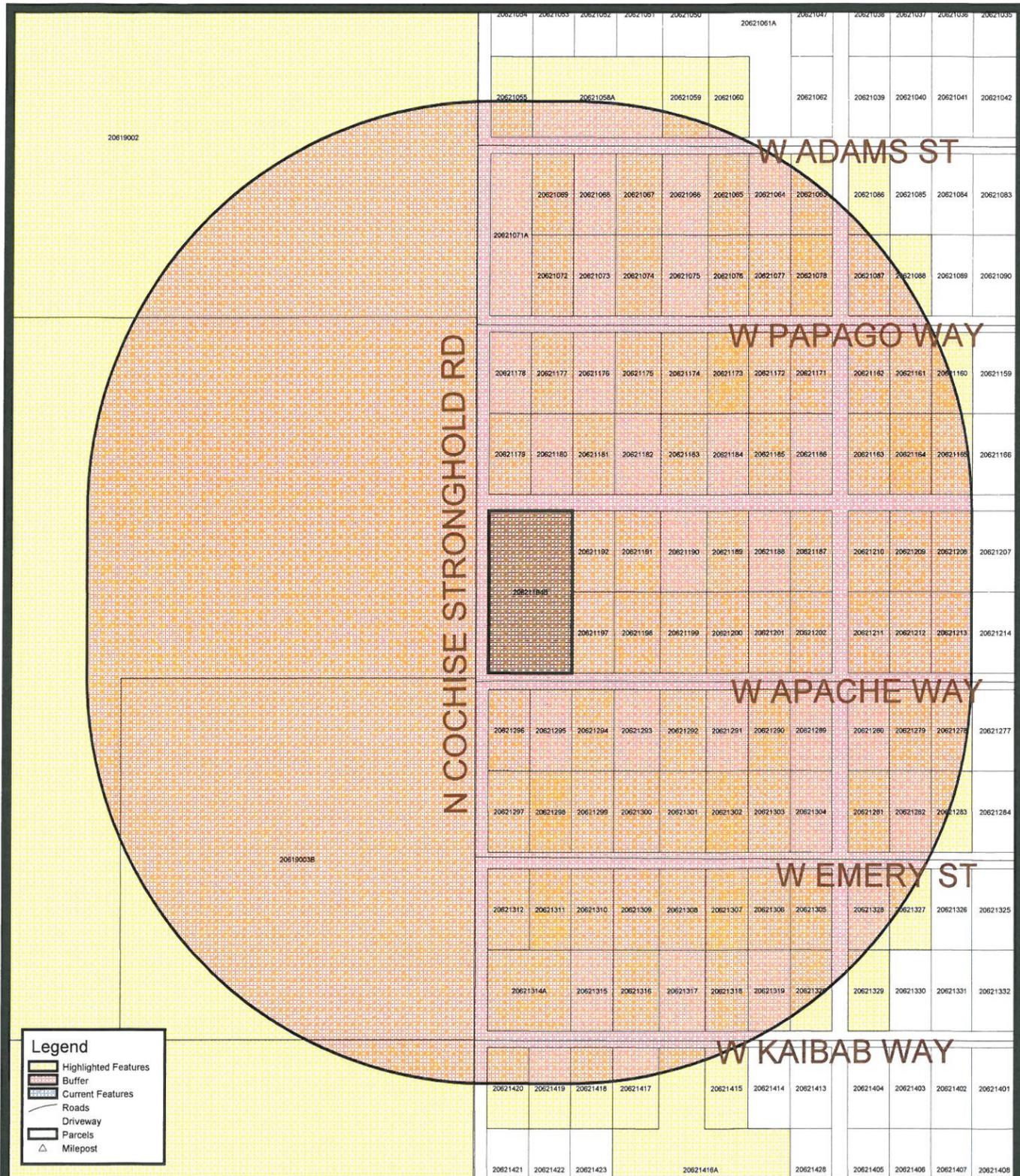
Dale Hoston
Broomtree Auto Paint Specialists
126 N. 6th Street
Sierra Vista, AZ 85635



Robert Jacques
B-J Body Shop
126 N. 6th Street
Sierra Vista, AZ 85635



David Williams
Auto Care
124 N. 6th Street
Sierra Vista, AZ 85635



Z-11-01
 Teply
 206-21-194B
 1500'

This map is a product of the
 Cochise County GIS




0' 1" = 505'



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., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Keith Dennis, Senior Planner
 For: Mike Turisk, Interim Planning Director
SUBJECT: Docket Z-11-01 (Teply)
DATE: March 1, 2011 for the March 9, 2011 Meeting

APPLICATION FOR A REZONING (DOWNZONING)

The Applicant seeks to “downzone” a parcel of land from SR-43 (Single-Household Residential, minimum lot size 1-acre) to RU-4 District (Rural, minimum lot size 4-acres). The subject property (Parcel 206-21-194B) is approximately 4.3-acres in size and is currently undeveloped.

The Applicants are Roger and Judith Teply.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Size: 6.54 Acres
 Zoning: RU-4 (Rural, 1 Dwelling per 4 Acres)
 Growth Area: Category D (Rural Growth Area)
 Area Plan: Mid Sulphur Springs Valley Area Plan
 Plan Designation: Agricultural/rural density and green space
 Existing Uses: Undeveloped Land
 Proposed Uses: Single Family Residence and Shop

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Undeveloped Residential Land Rural
South	RU-4	Undeveloped Residential Land Rural
East	RU-4	Undeveloped Residential Land Rural
West	RU-4	Ranch Land

II. PARCEL HISTORY

The property is vacant; there is no history of permits or code enforcement action for the property. In 2009, the Applicants combined four one-acre parcels into what is now the subject property.

III. NATURE OF THE REQUEST

The Applicants, Judith and Roger Teply, travel extensively in their recreational vehicle. In their travels, they have decided that Cochise County is where they want to settle down. The subject property is where they wish to retire, and to live in a home constructed by them. To this end, they intend to first build a shop, which would be used as a “staging area” in which to hold materials and equipment while the home is under construction. Additionally, the shop (2,400 square feet) would in fact be larger than the house they eventually seek to build (1,500 square feet). While the home and shop are under construction, the Teplys would live on the property in their RV.

While a single family residence with an accessory shop are both permitted uses under the current SR-43 Zoning District, the Applicants’ development plan for the property could not be accomplished under the SR rules. The RU, or Rural District regulations, however, would facilitate the Applicants’ wishes. Specifically, owing to the agricultural or ranching character so common in Cochise County, the RU District allows shops or other accessory uses to be built without a principal use being established on the property. That is, in an RU District one may have a shop or shed or other “accessory” building on a property without a residence. In the SR District, there must be a home or other principal permitted use established before an “accessory” use can be permitted.

Secondly, Residential Districts in Cochise County, such as the SR District, do not permit “accessory” buildings to exceed the “principal” structure in size. Thus, a shop larger than the home would not be allowed in the SR District – but would be allowed in the RU-4 District, per Section 605.

The Teplys therefore request that the County “downzone” their property, from SR-43 to RU-4, in order to allow the shop to be built first, and to exceed the size of the principal dwelling. Downzoning means a rezoning that decreases the allowable density of development on the property. Moving from a District in which one dwelling may be sited per acre to one in which one dwelling per four acres is allowed is and considered a step downward in density.

IV. ANALYSIS OF IMPACTS

Mandatory Compliance.

The subject property lies within a Category “D”—Rural Growth Area and is considered a “Rural Density” land use designation area. Section 402 of the County Zoning Regulations permits owners of property lying within “Rural Density/Residential” land use areas to request a rezoning to RU-4.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria used to evaluate rezoning requests. Ten (10) of the criteria are applicable and are listed below. The Applicant’s request complies with all ten (10) criteria.

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

The attached Concept Plan is adequate for the proposed downzoning. A more robust site plan conforming to residential permitting requirements would be required before a residential permit could be issued. Note that Section 2208.03.B.1 does not relate specifically to what is proposed. That is, the rezoning would not facilitate a new residential subdivision development, but would facilitate residential development on one existing parcel. While the stipulation for residential rezonings is thus not applicable here, the requirements for non-residential rezonings are generally the same as what would be required for a residential building permit.

2. Compliance with the Applicable Site Development Standards—Complies.

Section 605 of the Zoning Regulations would allow the shop to be larger than the home, “provided that all other site development standards are met.”

3. Adjacent Districts Remain Capable of Development – Complies.

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

4. Limitation on Creation of Nonconforming Uses—Complies.

The proposal would not create any potential for non-conforming uses. The Applicant proposes uses that are permitted within the current and proposed Districts, and can meet all development standards.

5. Compatibility with Existing Development –Complies.

When built out, development on the property would be in keeping with the character of development in the area.

6. Rezoning to More Intense Districts—Not Applicable.

As discussed, the proposal is for a less-intense District. Under the SR-43 Regulations, four homes could be built on the property; RU-4 would allow for one home on the same property.

7. Adequate Services and Infrastructure – Complies.

The home would be served by an on-site well and septic system. SSVEC would provide electric power and the Sunsite Volunteer Fire Department would provide emergency services.

8. Traffic Circulation Criteria – Complies.

The proposal would result in development considered within the capacity of the transportation network to handle. The property borders Cochise Stronghold Road, which is County-maintained.

9. Development Along Major Streets—Complies.

While the property does border County-maintained Cochise Stronghold Road, the Applicant proposes to take access from an existing cleared area near the Southeast corner of the property. This would mean access would be taken from Apache Way. Staff recommends the Applicants keep to the plan as submitted, as proposing a new point of access along Cochise Stronghold Road would require a Right-of-Way permit.

10. Infill—Not Applicable.

The Applicant does not propose a rezoning to GB, LI or HI.

11. Unique Topographic Features – Not Applicable.

This Factor only applies to rezonings to more intense districts, and not to downzonings.

12. Water Conservation—Not Applicable.

This criterion is applicable only to rezonings associated with Master Development Plans.

13. Public Input—Complies.

The Department sent the required notice to neighboring property owners within 1,500 feet, posted the property as required, and published a legal notice on February 17, 2011. To date, staff has received one letter from a neighboring property owner in support of the request.

14. Hazardous Materials – Not Applicable.

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

15. Compliance with Area Plan - Complies

The property is within the boundaries of the Mid Sulphur Springs Valley Area Plan. In Article 2 of that Plan, the “Agriculture/Rural Density and Green Space” designation calls for a minimum lot size of 4 acres for rural density development. The proposal would facilitate such development at the density prescribed by the Plan.

V. SUMMARY

Factors in Favor of Approval

1. Allowing the request would facilitate residential development on the property, which would be in keeping with the character of the area, the Rural Growth Area policies of the Comprehensive Plan, and the density prescribed in the Mid Sulphur Springs Valley Area Plan.; and
2. One neighboring property owner has expressed support for the proposal.

Factors Against Approval

None apparent.

VI. RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends that the Planning and Zoning Commission forward Z-11-01 to the Board of Supervisors with a recommendation of **conditional approval**, subject to the following conditions:

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

VII. ATTACHMENTS

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



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 Development Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: ROGER R + JUDITH M. TEPY
2. Mailing Address: 73421-327th AVE
Champion NE 69023
City State Zip Code
3. Telephone Number of Applicant: 308 882-3030
4. Telephone Number of Contact Person if Different: () _____
5. Email Address: JAVA JUDY@CHASE3000.COM
6. Assessor's Tax Parcel Number: 206-21-194B2 (Can be obtained from your County property tax statement)
7. Applicant is (check one):
 - Sole owner:
 - Joint Owner: (See number 8)
 - Designated Agent of Owner:
 - If not one of the above, explain interest in rezoning: _____
7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:
 - List attached (if applicable): _____
8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:
 - If corporation, corporate resolution designating applicant to act as agent:
 - If partnership, written authorization from partner:
 - If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

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 ^{4 LOTS}
- 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: SR-43
14. Indicate proposed Zoning District for Property: RU4

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

15. Comprehensive Plan Category: D AG (A County planner can provide this information.)
16. Comprehensive Plan Designation or Community Plan: _____ (A County planner can provide this information.)

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

17. Describe all structures already existing on the property: NONE

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: STORAGE BUILDING 40X60'
FUTURE HOME CONSTRUCTION OF APPROX 1500 SQ'.

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?

DESMOND

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

NONE

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

NONE

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	PRIVATE WELL	NONE
Sewer/Septic	PRIVATE SEPTIC	"
Electricity	SULPHUR SPRINGS	"
Natural Gas	N/A	"
Telephone	VALLEY TELEPHONE	"
Fire Protection	SUNSHINE VOLUNTEER	"

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

PROBABLE FUTURE AGRICULTURE DEVELOPMENT.
RURAL 4.28 ACRES

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: Bogert Leedy J. Leedy

Date: 12-29-10

LOT 8

LOT 7

LOT 9

LOT 10

COCHISE STRONGHOLD

100X60
SHOP

1000' EWAY

DESMOND

PROPOSED RESIDENCE
1500' (e)

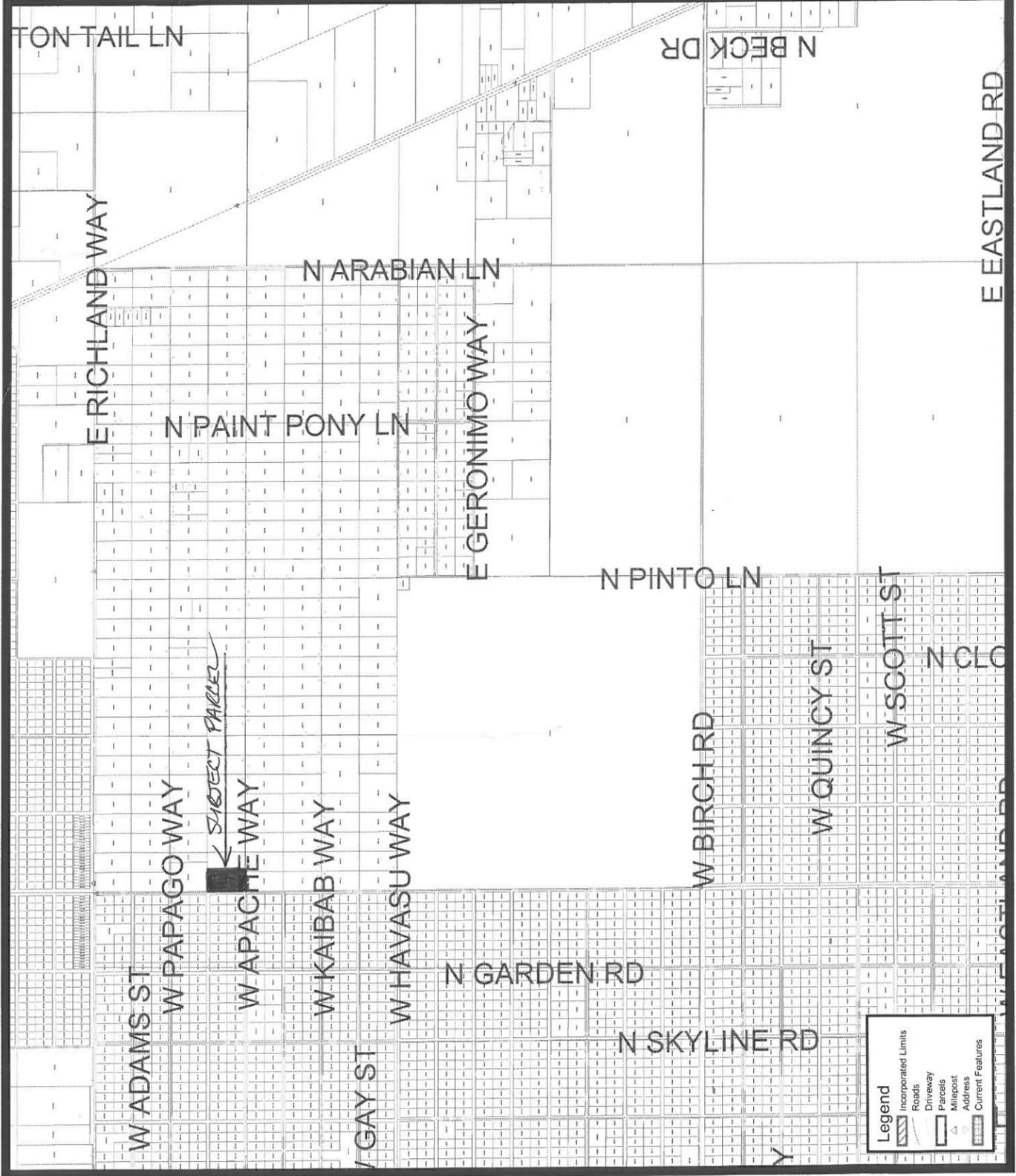




This map is a product of the Cochise County GIS



0' 1" = 2323'



Legend

- Incorporated Limits
- Roads
- Driveway
- Parcels
- Mailpost
- Address
- Current Features

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

m:\urik, 2011-02-17 12:02:37
Cochise County (\\cappm3\Geodesy\Encompass\Admin\Meta\View.Mxd)

SPECIAL USE: Docket Z-11-01 (Teply)

YES, I SUPPORT THIS REQUEST

Please state your reasons: I support the Citizens right
to improve his property!

P.S. I suggest when you send out these kind of ballots
to include the tax parcel # who is receiving the ballot. Lots easier!

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): JOAN G. JENEWEIN WAYNE JENEWEIN

SIGNATURE(S): Joan G. Jenewein Wayne J. Jenewein

YOUR TAX PARCEL NUMBER: 206-21-314 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 887 W. Kailash Way - Cochise, Az 85606

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 February 28, 2011 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 pubic 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
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: mturisk@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY
FEB 23 2011
PLANNING



COCHISE COUNTY PLANNING DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

Carlos De La Torre, P.E., Director

MEMORANDUM

TO: Cochise County Planning and Zoning Commission

FROM: Michael Turisk, Interim Planning Director 

For: Carlos De La Torre, P.E., Community Development Director

SUBJECT: Docket R-11-01 – Proposed Cochise County Zoning Regulation Amendments for Medical Marijuana Dispensaries, Infusion Facilities and Offsite Dispensary-Affiliated Cultivation

DATE: March 1, 2011 for the March 9, 2011 Meeting

PROPOSED AMENDMENTS TO THE ZONING REGULATIONS FOR MEDICAL MARIJUANA DISPENSARIES, INFUSION FACILITIES AND OFFSITE DISPENSARY-AFFILIATED CULTIVATION

Docket R-11-01 is a request by Cochise County for zoning text amendments to the County's Zoning Regulations for the dispensing and cultivation of medical marijuana in response to the Arizona Medical Marijuana Act (AMMA) approved by the Arizona electorate on November 2, 2010.

The proposed zoning amendments would include adding medical marijuana-related definitions to Article 2 (Definitions) and amending Articles 6, 12, 13 and 14 (Zoning Districts). Furthermore, the proposed amendments to Article 18 (Site Development Standards) consist of dedicated minimum setbacks and other requirements for medical marijuana dispensaries and off-site dispensary-affiliated cultivation.

I. BACKGROUND

The Arizona Medical Marijuana Act (AMMA) legalized the use of marijuana to treat specific debilitating medical conditions, and allowed for the creation of medical marijuana uses operated by nonprofit organizations for the cultivation, and dispensing of medical marijuana products. With the passing of the AMMA, there are few land use and zoning restrictions for where medical marijuana dispensaries and offsite marijuana cultivation can be located. However, the AMMA gives counties and municipalities the authority to zone for use related to medical marijuana. The AMMA states that, "*Cities, towns and counties may enact reasonable zoning regulations that limit the use of land for registered medical marijuana dispensaries to specified areas...*"

Arizona Department of Health Services (ADHS) Requirements

In accordance with the requirements of the Act, the Arizona Department of Health Services (ADHS) is required to adopt and enforce a regulatory system for the distribution of marijuana for medical use, including a system for approving, renewing and revoking the registration of qualifying patients, designated caregivers, dispensaries and dispensary agents.

Qualifying Patient:

A "qualifying patient" is defined as a person who has been diagnosed by a physician as having a debilitating medical condition, such as cancer, glaucoma, Lou Gehrig's Disease, Alzheimer's disease, among others. In addition, a patient may qualify by having a medical condition that generates severe and chronic pain, severe nausea, seizures, or severe and persistent muscle spasms. A qualifying patient may obtain up to 2.5 ounces of marijuana in a 14-day period from a registered medical marijuana dispensary. If the qualifying patient's home is located more than 25 miles from the nearest medical marijuana dispensary, the patient may cultivate up to 12 marijuana plants.

Designated Caregiver:

A designated caregiver is an ADHS licensed person that has agreed to assist with a patient's medical use of marijuana. Designated caregivers are permitted to grow up to 12 plants for up to 5 patients, plus an additional 12 plants for his/her use, for a maximum of 72 plants caregivers can grow on their property if a marijuana dispensary is located more than 25 miles.

Medical Marijuana Dispensary:

The ADHS will issue approximately 125-129 dispensary licenses statewide that will be allocated based on Community Health Analysis Areas (CHAAs). CHAA's are geographic areas based on population, established by ADHS for use by public health programs. Cochise County has six designated CHAAs (*see - attached map*) so the ADHS can issue up to six medical marijuana dispensaries within Cochise County.

Dispensaries may cultivate marijuana only in an enclosed, locked facility and may acquire product from a registered qualifying patient or designated caregiver if the patient or caregiver is not compensated for the product. Dispensaries and marijuana cultivation cannot be within 500 feet of an existing public or private school; *this is the only land use specified in the Act where minimum separation is required*. The AMMA also sets forth other various restrictions on the facilities that will house medical marijuana uses, such as:

- Facilities shall have a single secure entrance;
- Facilities shall implement appropriate security measures to deter and prevent theft; and
- Would prohibit on-site consumption.

Potential Impacts

The impact that medical marijuana dispensaries have on the surrounding areas is the focus of debate in a dozen or so states in which the use of medical marijuana is currently permitted.

There are concerns that dispensaries attract crime, provide a front for dealing illegal drugs, harm property values, and attract drivers driving under the influence of marijuana. Medical marijuana dispensaries are a very new type of land use, one that did not exist until quite recently when the federal government announced it would no longer investigate and prosecute medical marijuana dispensaries that operate in accordance with state law. As a result, no definitive comprehensive studies exist of the long-term impact of medical marijuana dispensaries on surrounding properties. However, there is much anecdotal evidence supporting nearly all positions on this issue and, as such, specific documented guidance is lacking.

Proposed Amendments to the Zoning Regulations

The following proposed text amendments sets forth reasonable zoning regulations for the location of medical marijuana uses within unincorporated Cochise County. They seek to provide appropriate locations in which medical marijuana dispensaries and onsite cultivation, infusion facilities and offsite dispensary-affiliated cultivation may be located within the County while attempting to minimize any secondary effects the facilities may have on surrounding land uses, particularly residential uses. As noted, the AMMA requires that dispensaries and cultivation cannot be within 500 feet of an existing public or private school.

The proposed amendments have been drafted with the dual objectives of providing adequate opportunity for the location of medical marijuana land uses in appropriate locations within the County while minimizing any potential secondary adverse impacts.

Article 2 (Definitions)

The proposed amendments to Article 2 classify medical marijuana uses into the following land use categories:

1. Medical Marijuana Cultivation Facility:

A building, structure, or premises used for the cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary.

2. Medical Marijuana Dispensary:

A nonprofit medical marijuana dispensary duly registered and certified pursuant to A.R.S. § 36-2801 that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients.

3. Medical Marijuana Dispensary Cultivation Facility:

A building, structure or premises where marijuana will be cultivated for sale at a non-profit medical marijuana dispensary duly registered and certified pursuant to A.R.S. § 36-2804.

4. Medical Marijuana Infusion Facility:

A facility that incorporates medical marijuana into consumable/edible goods by means of cooking, blending, or any other type of incorporation.

5. Medical Marijuana Uses:

Shall include collectively medical marijuana cultivation facilities, medical marijuana dispensaries, medical marijuana dispensary cultivation facilities, medical marijuana infusion facilities and medical marijuana use, per Arizona Revised Statutes Title 36, Chapter 28.1.

Zoning Districts (Articles 6, 12, 13 and 14)

The Zoning District amendments would allow the retail or medical marijuana dispensary uses and infusion facilities to be located within the RU-4, RU-10, RU-18, RU-36, GB and LI zoning districts subject to Special Use Permit approval. Furthermore, dedicated or specific minimum setback requirements would be imposed in an effort to create a buffer area to minimize the potential impact that medical marijuana dispensaries and infusion facilities may have upon surrounding land uses.

It is recommended that dispensaries, infusion facilities and offsite dispensary-affiliated cultivation be located no closer than 500 feet, as measured from the property boundary, from the following land uses:

1. *Any other medical marijuana dispensary or infusion facility*
2. *Any library*
3. *Schools (Private or Public)*
4. *Day Care Centers (Private or Public)*

Furthermore, staff recommends that dispensaries, infusion facilities and offsite dispensary-affiliate cultivation be located no closer than 300 feet, as measured from:

1. *Any existing residential use located in a residential zoning district or an approved subdivision. The distance would be measured in a straight and direct horizontal line between the closest exterior wall of the medical marijuana dispensary to the closest exterior wall of the nearest principal residential structure(s).*

Staff also recommends the following standards to be included in Article 18 (Site Development Standards) for medical marijuana dispensaries and infusion facilities:

1. *All medical marijuana dispensaries and infusion facilities shall be located in a permanent building and may not be located in a trailer, cargo container, or motor vehicle;*
2. *No medical marijuana dispensaries and infusion facilities shall provide drive-through services; and*
3. *No medical marijuana dispensaries and infusion facilities shall provide outdoor seating areas.*

Offsite Dispensary-Affiliated Cultivation:

The amendments would allow off-site dispensary-affiliated cultivation to be located within the RU-4, RU-10, RU-18, RU-36, GB, LI and HI zoning districts subject to Special Use Permit approval, with a minimum 300 feet setback from any existing residential use located in a residential zoning district or an approved subdivision. The distance would be measured in a straight and direct horizontal line between the closest exterior wall of the medical marijuana cultivation facility to the closest exterior wall of the nearest principal residential structure(s).

Work Session with the Board of Supervisors

On February 28, 2011, Staff held a work session with the Board of Supervisor in order to get guidance and direction that would enable staff in the development of the proposed language and amendments to the zoning regulations.

During this work session, staff presented various options related to the zoning modifications. The Board directed Staff to develop language to codify medical marijuana uses or activities through the special use process in the RU-4 or larger, GB, LI and HI zoning classifications with dedicated and specific site development standards applicable only to medical marijuana dispensaries, infusion and cultivating facilities.

V. RECOMMENDATION

Staff recommends that the Commission forward the proposed text amendments to the Board of Supervisors with a recommendation of approval. The text amendments would include adding definitions to Article 2 to classify medical marijuana uses into specific land use categories, as well as Zoning District amendments permitting medical marijuana dispensaries and infusion facilities in the RU-4, RU-10, RU-18, RU-36, GB and LI Zoning Districts subject to Special Use Permit approval.

These uses would have dedicated minimum setback requirements from existing residential uses in residential Zoning Districts and approved subdivisions and the other requirements noted above. Furthermore, the amendments would include a provision permitting offsite medical marijuana-affiliated cultivation in the RU-4, RU-10, RU-18, RU-36, GB, LI and HI Zoning Districts with a Special Use Permit and with dedicated minimum setback requirements from existing residential uses in residential Zoning Districts and approved subdivisions.

VI. ATTACHMENTS

- A. Recommended Amendments to the Zoning Regulations
- B. Community Health Analysis Areas Map

Page 2 of Article 2 (Definitions) – Proposed Medical Marijuana-related Definitions Below

Kitchen: Any room principally used, intended or designed to be used for cooking or preparation of food. The presence of a range or oven or utility connections suitable for servicing a range or oven shall normally be considered a kitchen. (Source: *A Planner's Dictionary*, 2004 APA p.239)

Landscaping - Grass, ground covers, shrubs, vines, hedges, trees or palms and accessory non-living durable material, such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving. Landscaping may also include retention of native vegetation in prescribed areas.

Legal non-conforming uses: See Article 20.

Livestock - Cattle, horses, sheep, goats, mules, swine, asses and ratites, such as ostriches and emus.

Manufacture - For the purposes of these Regulations, "manufacture" refers to a broad category of uses involving the use of mechanical power and machinery to produce products from raw materials, to prepare or alter materials for use in a finished product, or to assemble parts into products.

Manufacturing, Wholesaling, Warehousing, Distribution or Storage - A use engaged in the above activities including processing, but excluding bulk storage or manufacturing of materials that are flammable, explosive or hazardous or that create hazardous or commonly recognized offensive conditions.

Manufactured Home - A structure built in accordance with the National Manufactured Home Construction and Safety Standards Act of 1974 and Title VI of the Housing and Community Development Act of 1974 and as amended.

Meat Cutting and Butchering - A service consisting of the cutting up of meat for sale, but not the killing or slaughtering of live animals, a slaughterhouse or meat packing plant.

Medical Marijuana Cultivation Facility - A building, structure, or premises used for the cultivation or storage of medical marijuana that is physically separate and off-site from a medical marijuana dispensary.

Medical Marijuana Dispensary - A nonprofit medical marijuana dispensary duly registered and certified pursuant to A.R.S. § 36-2801 that sells, distributes, transmits, gives, dispenses, or otherwise provides medical marijuana to qualifying patients.

Medical Marijuana Dispensary Cultivation Facility - A building, structure or premises where marijuana will be cultivated for sale at a non-profit medical marijuana dispensary duly registered and certified pursuant to A.R.S. § 36-2804.

Medical Marijuana Infusion Facility - A facility that incorporates medical marijuana into consumable/edible goods by means of cooking, blending, or any other type of incorporation.

Medical Marijuana Uses - Shall include collectively medical marijuana cultivation facilities, medical marijuana dispensaries, medical marijuana dispensary cultivation facilities, medical marijuana infusion facilities, medical marijuana use per Arizona Revised Statutes Title 36, Chapter 28.1.

Mining - Those activities conducted to develop or extract materials from a mine including on-site transportation, concentrating, milling, leaching, smelting or other processing of ores or other materials. A mine includes all lands containing excavations, underground passageways, shafts, tunnels and workings, structures, facilities, equipment, machines or other property including impoundments, retention dams, tailings and waste dumps, on the surface or underground, used in, to be used in or resulting from the work of extracting minerals or other materials, excluding hydrocarbons. Mining includes that portion of an

ARTICLE 6

RU, RURAL ZONING DISTRICTS

601 Purpose

RU (Rural) zoning districts are established to achieve the following purposes:

601.01 To preserve the character of areas designated as "Rural" in the Cochise County Comprehensive Plan;

601.02 To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living;

601.03 To preserve the agricultural character of those portions of the county capable of resource production;

601.04 To provide space for people, minimize traffic congestion, and preserve the existing rural environment of unincorporated areas of the county situated outside of existing communities;

601.05 To provide recreational support services that are compatible with rural living;

601.06 To protect the quality of the natural environment as it relates to safeguarding the health, safety and welfare of the people in Cochise County and;

601.07 To allow consideration of some more intense non-residential uses as special uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site and in conformance with Section 601.06.

602 Division of RU Zoning Districts

The RU (Rural) zoning districts shall be further divided into the following density districts, which are so designated on the Official Zoning District Map, and subject to the regulations herein:

602.01 RU-36

602.02 RU-18

602.03 RU-10

602.04 RU-4

602.05 RU-2

603 Permitted Principal Uses

The following uses shall be permitted in all RU zoning districts, provided that they conform to the applicable site development standards for such uses set forth below, and meet any other requirements for such uses found in these Regulations, such as off-site road and drainage improvements. (Also see Section 606, Other Permitted Uses).

Use

603.01 All single- and multiple-household dwellings.

603.02 Mobile home or manufactured home parks subject to the maximum densities in Section 604.01,A. The standards set forth in Section 1812 shall not apply.

603.03 Utility installations not otherwise exempted by Section 2002, other than electrical generation plants, regional sewage treatment plants, solid waste landfills or incinerators.

603.04 Churches or places of religious worship.

603.05 Enclosed veterinary clinics or animal hospitals.

603.06 Riding stables, commercial, on a minimum site of 10 acres.

603.07 Emergency vehicle stations not otherwise exempted by Section 2002.

603.08 Residential care homes.

603.09 Bed and breakfast homestay subject to Section 1719

603.10 Bed and breakfast inn subject to Section 1719

603.11 Grocery stores and agriculture-related retail sales (sales area not to exceed 2,000 square feet of total area, including any outdoor storage).

603.12 Day care facilities.

603.13 Wireless communications towers; see Section 1813 for applicable site development standards.

603.14 Anemometers – (Temporary use permit not to exceed 3 years).

603.15 Indoor and outdoor recreational facilities (in approved subdivisions only).

603.16 Civic, social, fraternal or business associations (in approved subdivisions only).

604 Site Development Standards

All uses permitted in RU zoning districts shall conform to the following minimum site development standards:

604.01 Minimum Site Area and Maximum Density

A. Subject to subsection B herein, the minimum site area and maximum density are as follows:

B.

District	Minimum Site Area	Maximum Density*
RU-36	36.0 acres	One dwelling per 36.0 acres
RU-18	18.0 acres	One dwelling per 18.0 acres
RU-10	10.0 acres	One dwelling per 10.0 acres
RU-4	4.0 acres	One dwelling per 4.0 acres
RU-2	2.0 acres	One dwelling per 2.0 acres

* See Section 603 for non-residential densities.

604.02 Maximum Height

Principal and accessory structure: 30 feet above grade.
Wall or fence: 8 feet above grade.

604.03 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or edge of road travelway to the structure/use whichever is closer. The minimum required setback for Permitted Principal Uses in all RU districts is 20 feet. The minimum required setback for Special Uses is 40 feet. The minimum required setback for accessory structures no larger than 120 square feet is 10 feet.

604.04 Maximum Site Coverage - 25 percent.

604.05 Distance Between Buildings

Except as otherwise provided in these Regulations, the minimum distance between principal structures shall be 15 feet; 10 feet for multiple-household structures. Nothing herein shall prevent permanent attachment of structures.

604.06 Screening

In Category A, B and C Growth Areas and Category D areas designated Rural-Residential, whenever a non-residential use abuts a residential zoning district or is separated there from by an alley, the developed area of the non-residential site shall be screened with a 6 foot high solid screen (see Section 1805.02 for definition). The Zoning Inspector may defer the screening if the abutting residentially-zoned property is not yet developed with a residential use. In Category D (Rural) Areas designated Rural, screening is not required.

604.07 Residential Minor Expedited Subdivision Option and Conservation Subdivision Option

Pursuant to Article 6 of the Cochise County Subdivision Regulations, Minor Expedited Residential Subdivision and Residential Conservation Subdivision options providing a wider latitude of design, more economic use of land and density bonuses are available for development of residential subdivisions.

605 Permitted Accessory Uses

Accessory uses are permitted in RU zoning districts provided they are customarily incidental to an established permitted principal use. Accessory structures may exceed the size of the principal structure, unless otherwise stated, provided that all other site development standards are met. For residential uses, the following additional accessory uses and buildings shall be permitted:

605.01 Recreational Vehicles (RV's) are allowed as follows:

- A. Storage of no more than 2 RV's on a parcel (no permit is required).
- B. Temporary occupancy of 1 RV in conjunction with a permitted principal use up to 6 months in a calendar year (a Temporary Use Permit is required; stays of 15 consecutive days or less do not require a permit).

C. Temporary occupancy of RV's in conjunction with the construction of a non-residential or residential permitted principal use (a Temporary Use Permit is required, see Section 1817.03,A).

D. With the exception of RV's in conjunction with construction as permitted in paragraph C (above), no more than 2 RV's are allowed per parcel.

605.02 Rooms in the principal dwelling for roomers, not exceeding 2 such persons per dwelling unit (no permit is required).

605.03 One accessory living quarter subject to the definition in Article 2 and the procedures in Section 1717.

605.04 Family cemeteries (informational permit required).

605.05 Home occupations.

605.06 Manufactured and mobile homes used as storage units in zoning districts with minimum lot sizes of four acres or larger so long as the kitchen and bathrooms are removed and electricity is the only utility provided.

605.07 Wind Energy Systems (Subject to the site development standards in Section 1822).

605.08 Solar Energy Systems.

606 Other Permitted Uses

The following rural uses will be allowed without the establishment of a permitted principal use:

606.01 Fences six feet or less (setbacks do not apply; no permit required).

606.02 Well houses, permanently affixed (setbacks do not apply; no permit required).

606.03 One out-building, permanently affixed, and corrals/pens.

607 Special Uses

Any of the following uses may be permitted as a Special Use in an RU zoning district, subject to the procedures and review criteria set forth in Section 1716:

607.01 Guest Lodging.

607.02 Recreational vehicle parks that are designed to ensure that the park fits into the rural landscape such as clustering RV sites, maintaining perimeter open space and enhancing existing vegetation using drought tolerant vegetation.

607.03 Welfare and charitable services.

607.04 Solid waste transfer stations.

607.05 Zoos and other animal exhibits.

607.06 Animal hospitals, veterinary clinics, and animal husbandry services.

607.07 Indoor and outdoor recreational facilities.

- 607.08 Firearms, skeet, archery or trap shooting ranges, outdoor.
- 607.09 Fairgrounds and outdoor amusement parks.
- 607.10 Gasoline/service stations.
- 607.11 Convenience stores.
- 607.12 Restaurants, bars, taverns and nightclubs.
- 607.13 Contract construction services.
- 607.14 Airports and flying fields, including private landing areas.
- 607.15 Manufacturing, wholesaling, warehousing, distribution, or storage of agriculture-related products.
- 607.16 Manufacturing, wholesaling, warehousing, distribution and storage of products, activity area not to exceed 5,000 square feet.
- 607.17 Commercial feed lots, stockyards, and livestock auction barns, on a site not less than 20 acres.
- 607.18 Wholesaling, warehousing, distribution or storage of propane.
- 607.19 Motion picture production sites/studios.
- 607.20 Meat cutting or butchering operations.
- 607.21 Transient camps, migrant labor camps.
- 607.22 Retail sales, rentals, or accessory storage of materials, merchandise, supplies and equipment.
- 607.23 Off-site advertising signs.
- 607.24 Civic, social, fraternal or business associations.
- 607.25 Educational services.
- 607.26 Personal and professional services.
- 607.27 Hospitals.
- 607.28 Health clinics.
- 607.29 Repair services.
- 607.30 Recycling centers.
- 607.31 Cultural, historic and nature exhibits.
- 607.32 Residential care institutions.
- 607.33 Offender rehabilitation facilities.

- 607.34 Group quarters.
- 607.35 Funeral and crematory services.
- 607.36 Golf courses.
- 607.37 Agricultural processing services.
- 607.38 Wireless communications towers exceeding 30' in height; see Section 1813 for applicable site development standards.
- 607.39 Cemeteries.
- 607.40 Slaughterhouses and meat packing plants.
- 607.41 Day care establishments.
- 607.42 Commercial plant nurseries.
- 607.43 Bed and breakfast establishment.
- 607.44 Lighted Outdoor Recreation Facilities.
- 607.45 Research and Testing Laboratories.
- 607.46 Impoundment Storage Yards.
- 607.47 Wind Energy Power Plants.
- 607.48 Mini-warehouses.
- 607.49 Riding stables, commercial, on a site less than 10 acres.
- 607.50 Solar Energy Systems Power Plants (in Category D areas only) (Scribner's error, see Exhibit "A" to Ordinance 09-04)
- 607.51 Medical Marijuana Cultivation Facility (RU-4 and greater only), see Section 1825 for applicable site development standards)**
- 607.52 Medical Marijuana Dispensary (RU-4 and greater only), see Section 1825 for applicable site development standards)**
- 607.53 Medical Marijuana Dispensary Cultivation Facility (RU-4 and greater only), see Section 1825 for applicable site development standards)**
- 607.54 Medical Marijuana Infusion Facility (RU-4 and greater only), see Section 1825 for applicable site development standards)**

ARTICLE 12

GB, GENERAL BUSINESS ZONING DISTRICT

1201 Purpose

The GB (General Business) zoning district is established:

1201.01 To provide appropriate areas for office uses, retail stores and service establishments in which the market area extends beyond the nearby neighborhoods;

1201.02 To provide wholesale or distribution activities in locations with adequate access to major streets and highways;

1201.03 To encourage concentrated development of commercial activities or the convenience of the public;

1201.04 To provide adequate space to meet the needs of commercial development, with adequate off-street parking and minimal traffic congestion; and

1201.05 To protect commercial uses from objectionable influences of industrial uses as well as incompatible residential development.

1202 Permitted Principal Uses

The following uses shall be permitted in the GB zoning district provided they conform to the applicable site development standards set forth below, and meet any other requirements for such uses found in these Regulations such as off-site road and drainage improvements.

Use

1202.01 Group quarters.

1202.02 Guest lodging.

1202.03 Recreational vehicle, and manufactured home parks. The standards set forth in Section 1812 shall apply.

1202.04 Bed and breakfast lodging (Homestay, Inn, and Establishment) subject to Section 1719.

1202.05 Day care facilities and establishments.

1202.06 Educational services.

1202.07 Utility installations not otherwise exempted by Section 2002, other than electric generation plants, regional sewage treatment plants and solid waste landfills or incinerators.

1202.08 Churches or places of religious worship.

1202.09 Welfare and charitable services.

1202.10 Cultural, historic and nature exhibits.

1202.37 Single- and multiple-household dwellings not to exceed a density of one dwelling unit per 3,600 square feet and further provided that the site shall not be considered a residential site. Additional non-residential principal uses shall not be allowed in manufactured/mobile home parks nor on multiple-household dwelling sites; non-residential uses accessory to the multiple-household use are permitted.

1202.38 Residential care homes.

1202.39 Residential care institutions.

1202.40 Health clinics.

1202.41 Car washes.

1202.42 Emergency vehicle stations not otherwise exempted by Section 2002.

1202.43 Commercial plant nurseries.

1203 Site Development Standards

All uses permitted in GB districts shall conform to the following minimum site development standards in addition to the provisions of Article 18:

1203.01 Maximum Height

Structure	40 feet above grade
Fence or wall	10 feet above grade

1203.02 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or road travelway to the structure/use as follows:

A. For those GB zoning districts which abut LI, HI, GB, NB or PD zoning districts, the setback* shall be a minimum of 5 feet, except that the structure/use shall maintain a setback of 20 feet from any road travelway. Zero lot lines between townhouses or condominiums within a common development shall be permitted.

B. For those GB zoning districts which abut RU, TR, SR, SM, PD-1 or MR zoning districts the setback* shall be a minimum of 40 feet and 20 feet from any road travelway. Zero lot lines between townhouses or condominiums within a common development shall be permitted.

* The minimum setbacks for Special Uses shall be 80 feet.

1203.03 Maximum Site Coverage – 85 percent.

1203.04 Distance Between Structures

Except as otherwise provided in these Regulations, the minimum distance between principal structures shall be 15 feet; 10 feet for multiple-household structures. Nothing herein shall prevent permanent attachment of principal structures.

1203.05 Screening

In category A, B or C Growth Areas, whenever a non-residential use abuts a residential zoning district or is separated there from by an alley, the developed area of the non-residential site shall be screened with a 6 foot high solid screen (see Section 1805.02 for definition). The Zoning Inspector may defer the screening if the abutting residentially-zoned property is not yet developed with a residential use. Outdoor storage areas shall be screened regardless of abutting zoning district. In Category D (Rural) Areas whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6 foot high solid screen; otherwise screening is not required.

1203.06 Electrical Disturbance and Glare

No use except a temporary construction operation shall be permitted which creates harsh, uncomfortably bright light detectable beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that unreasonably affects the operation of any equipment beyond the boundaries of the site.

1203.07 Noise or Vibration

No noise or vibration (other than normal vehicular traffic) shall be permitted which is discernible on neighboring residential sites to the unaided human senses for 3 minutes or more duration in any 1 hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of 30 seconds or more duration in any 1 hour between the hours of 7:00 p.m. and 7:00 a.m.

1203.08 Odors

No emission of odorous gases or other odorous matter shall be permitted in quantities sufficient to be offensive or to create a nuisance or hazard beyond the site boundaries.

1203.09 Other Nuisances or Emissions Beyond the Site Boundaries

No emission shall be permitted which can damage health, animals or vegetation or other forms of property or which can cause any nuisance or hazard.

1204 Permitted Accessory Uses

1204.01 Accessory uses are permitted in GB zoning districts provided they are customarily incidental to an established permitted principal use. Accessory structures may exceed the size of the principal structure provided that all other site development standards are met.

1204.02 The following additional accessory uses and structures shall be permitted:

A. Recreational Vehicles (RV's) are allowed as follows:

1. Storage of no more than 2 RV's on a parcel (no permit is required).
2. Temporary occupancy of one RV in conjunction with a permitted principal use up to 6 months in a calendar year (a Temporary Use Permit is required); stays of 15 consecutive days or less do not require a permit.
3. Temporary occupancy of RV's in conjunction with the construction of a residential or non-residential permitted principal use (a Temporary use Permit is required, see Section 1817.03,A).

B. Rooms in the principal dwelling for roomers, not exceeding 2 such persons per dwelling unit (no permit is required).

C. Home occupations in a principal dwelling.

1204.03 Wind Energy Systems (Subject to the site development standards in Section 18.22).

1204.04 Solar Energy Systems

1205 Special Uses

The following uses may be permitted as a Special Use subject to the procedures and review criteria set forth in Section 1717 of these Regulations:

1205.01 Manufacturing, wholesaling, warehousing, distribution or storage of goods.

1205.02 Zoos and other outdoor animal exhibits.

1205.03 Fairgrounds and amusement parks.

1205.04 Animal husbandry services.

1205.05 Motion picture production sites/studios, permanent.

1205.06 Recycling centers.

1205.07 Offender rehabilitation facilities.

1205.08 Jails, prisons, and detention centers.

1205.09 Billboards.

1205.10 Swap meets.

1205.11 Repair services.

1205.12 Wireless communications towers over 40' in height, see Section 1813 for applicable site development standards.

1205.13 Regional sewage treatment plants.

1205.14 Truck stops.

1205.15 Lighted Outdoor Recreation Facilities.

1205.16 Golf courses.

1205.17 Solar Energy Power Plants

1205.18 **Medical Marijuana Cultivation Facility, see Section 1825 for applicable site development standards)**

1205.19 **Medical Marijuana Dispensary, see Section 1825 for applicable site development standards)**

1205.20 Medical Marijuana Dispensary Cultivation Facility, see Section 1825 for applicable site development standards)

1205.21 Medical Marijuana Infusion Facility, see Section 1825 for applicable site development standards)

ARTICLE 13

LI, LIGHT INDUSTRY ZONING DISTRICT

1301 Purpose

The LI (Light Industry) zoning district is established:

1301.01 To encourage the establishment of light industrial uses in locations which are suitable and appropriate, taking into consideration land uses on adjacent and nearby properties, access to major streets and highways, rail services and other means of transportation, and availability of public utilities;

1301.02 To encourage manufacturing uses which can be operated in a relatively clean, quiet and safe manner, without producing objectionable effects that would impose hazards to adjacent and nearby properties by reason of smoke, soot, dust, odor, radiation, noise, vibrations, heat, glare, toxic fumes, or other conditions that would adversely affect the public health, safety, convenience and general welfare;

1301.03 To allow heavy commercial, but not residential, uses compatible with light industrial uses.

1302 Permitted Uses

The following uses shall be permitted in LI districts provided they conform to the applicable site development standards below and meet any other requirements for such uses found in these Zoning Regulations such as off-site road and drainage improvements.

Use

1302.01 Educational services.

1302.02 Utility installations not otherwise exempted by Section 2002, other than regional sewage treatment plants, electric generation plants, and solid waste landfills or incinerators.

1302.03 Churches or places of religious worship.

1302.04 Banks and banking services.

1302.05 Personal and professional services.

1302.06 Research and testing laboratories.

1302.07 Veterinary clinics, animal hospitals and animal husbandry services.

1302.08 Indoor and outdoor recreational facilities.

1302.09 Convenience stores.

1302.10 Riding stables, commercial, on a minimum site of 10 acres.

1302.11 Retail sales, including outdoor sales, rentals or accessory storage.

1302.12 Gasoline/service stations.

- 1302.13 Restaurants, bars, taverns, and nightclubs.
- 1302.14 Swap meets.
- 1302.15 Repair services.
- 1302.16 Contract construction services.
- 1302.17 Wireless communications towers up to 199 feet in height, see Section 1813 for applicable site development standards.
- 1302.18 Parking lots, commercial.
- 1302.19 Bus, rail, and truck terminals, and accessory maintenance yards and garages.
- 1302.20 Manufacturing, wholesaling, warehousing, distribution or storage of goods.
- 1302.21 Motion picture production sites/studios.
- 1302.22 Printing and publishing businesses.
- 1302.23 Meat cutting and butchering.
- 1302.24 Agricultural processing services.
- 1302.25 Mini-warehouses.
- 1302.26 Hospitals.
- 1302.27 Funeral and crematory services.
- 1302.28 Recycling centers.
- 1302.29 Cultural, historic and nature exhibits.
- 1302.30 Welfare and charitable services.
- 1302.31 Impoundment storage yards.
- 1302.32 Zoos and other animal exhibits.
- 1302.33 Fairgrounds and amusement parks.
- 1302.34 Truck stops.
- 1302.35 Emergency vehicle stations not otherwise exempted by Section 2002.
- 1302.36 Solid waste transfer stations.
- 1302.37 Commercial plant nurseries.
- 1302.38 Car Wash.
- 1302.39 Anemometers (Temporary Use Permit not to exceed three years).

1303 Site Development Standards

All uses permitted in an LI zoning district shall conform to the following minimum site development standards:

1303.01 Maximum Height

Structure	40 feet above grade (except Wireless Communication Towers)
Fence or wall	10 feet above grade

1303.02 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or road travelway to the structure/use as follows:

- A. For those LI zoning districts which abut LI, HI, GB or PD zoning districts, the setback* shall be a minimum of 5 feet , except that the structure/use shall maintain a setback of 20 feet from any road travelway.
- B. For those LI zoning districts which abut RU, R, SR, SM, PD-1, NB or MR zoning districts the setback* shall be a minimum of 80 feet and 20 feet from any road travelway.

* The minimum setbacks for Special Uses shall be 160 feet.

1303.03 Maximum Site Coverage - 85 percent

1303.04 Distance Between Structures

Except as otherwise provided in these Regulations, the minimum distance between structures shall be 15 feet; 10 feet for multiple-household structures. Nothing herein shall prevent permanent attachment of principal structures.

1303.05 Screening

In category A, B or C Growth Areas, whenever a non-residential use abuts a residential zoning district or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6 foot high solid screen (see Section 1805.02 for definition). Outdoor storage areas shall be screened regardless of abutting zoning district. The Zoning Inspector may defer the screening if the abutting residentially-zoned property is not yet developed with a residential use. In Category D (Rural) Areas whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed area of the non-residential site shall be screened with a 6 foot high solid screen; otherwise screening is not required.

1303.06 Electrical Disturbance and Glare

No use except a temporary construction operation shall be permitted which creates harsh, uncomfortably bright light detectable beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that affects the operation of any equipment beyond the boundaries of the site.

1303.07 Noise or Vibration

No noise or vibration (other than normal vehicular traffic) shall be permitted which is discernible on neighboring residential sites, to the unaided human senses for 3 minutes or more duration in any one hour of the day between the hours of 7:00 a.m. to 7:00 p.m. or of 30 seconds or more duration in any one hour during the hours of 7:00 p.m. and 7:00 a.m.

1303.08 Odors

No emission of odorous gases or other odorous matter shall be permitted in quantities sufficient to be offensive or to create a nuisance or hazard beyond the site boundaries.

1303.09 Other Nuisances or Emissions Beyond the Site Boundaries

No emission shall be permitted which can damage health, animals or vegetation, or other forms of property, or which can cause any nuisance or hazard beyond the site boundaries.

1304 Permitted Accessory Uses

Accessory uses are permitted in the LI zoning district provided they are customarily incidental to an established permitted principal use. Accessory structures may exceed the size of the principal structure provided that all other site development standards are met.

1304.01 One dwelling or recreational vehicle for the family or employees of the owner/operator or caretaker of the site of a principal use. Dwelling or RV shall not be rented to the public.

1304.02 Temporary occupancy of recreational vehicles in conjunction with the construction of a principal use (a Temporary Use Permit is required, see Section 1817.03,A).

1304.03 Recreational Vehicles (RV's) are allowed as follows:

- A. Storage of no more than 2 RV's on a parcel (no permit is required).
- B. Temporary occupancy of 1 RV in conjunction with a permitted principal use up to 6 months in a calendar year (a Temporary Use Permit is required); stays 15 consecutive days or less do not require a permit.
- C. Temporary occupancy of RV's in conjunction with the construction of a residential or non-residential permitted principal use (a Temporary Use Permit is required, see Section 1817.03.A).
- D. With the exception of RV's in conjunction with construction as permitted in paragraph C (above), no more than 2 RV's are allowed per parcel.

1304.04 Wind Energy Systems (Subject to the site development standards in Section 1822).

1304.05 Solar Energy Systems

1305 Special Uses

The following uses may be permitted as a Special Use subject to the procedures and review criteria set forth in Section 1716:

1305.01 Cemeteries.

- 1305.02 Offender rehabilitation facilities.
- 1305.03 Jails, prisons, and detention centers.
- 1305.04 Billboards.
- 1305.05 Slaughterhouses or meat packing plants.
- 1305.06 Solid waste landfills or incinerators.
- 1305.07 Regional sewage treatment plants.
- 1305.08 Lighted Outdoor Recreation Facilities.
- 1305.09 Electrical generating plants.
- 1305.10 Airports, heliports and flying fields.
- 1305.11 Wind Energy Power Plants.
- 1305.12 Wireless communications towers greater than 199 feet in height, see Section 1813 for applicable site development standards.
- 1305.13 Solar Energy Power Plants
- 1305.14 **Medical Marijuana Cultivation Facility, see Section 1825 for applicable site development standards)**
- 1305.15 **Medical Marijuana Dispensary, see Section 1825 for applicable site development standards)**
- 1305.16 **Medical Marijuana Dispensary Cultivation Facility, see Section 1825 for applicable site development standards)**
- 1305.17 **Medical Marijuana Infusion Facility, see Section 1825 for applicable site development standards)**

ARTICLE 14

HI, HEAVY INDUSTRY ZONING DISTRICT

1401 Purpose

The HI (Heavy Industry) zoning district is established:

1401.01 To encourage the establishment of heavy industrial uses in locations which are suitable and appropriate, taking into consideration land uses on adjacent and nearby properties, adequacy of access to major streets and highways, rail services and other means of transportation, and availability of public utilities; and

1401.02 To allow within safe limits industrial uses and structures having physical characteristics which may be offensive or hazardous or which might otherwise adversely affect nearby properties and uses.

1402 Permitted Uses

The following uses shall be permitted in HI zoning districts provided they conform to the applicable site development standards below and any other requirements for such uses found in these Zoning Regulations, such as off-site road and drainage improvements.

Use

1402.01 Utility installations not otherwise exempted by Section 2002, other than electric generation plants; regional sewage treatment plants; and solid waste landfills or incinerators.

1402.02 Research and testing laboratories.

1402.03 Veterinary clinics, animal hospitals and animal husbandry services.

1402.04 Repair services.

1402.05 Contract construction services.

1402.06 Wireless communications towers, see Section 1813 for applicable site development standards.

1402.07 Bus, rail, and truck terminals, and accessory maintenance yards and garages.

1402.08 Commercial feedlots, stockyards and auction barns.

1402.09 Manufacturing, wholesaling, warehousing, distribution and storage of goods.

1402.10 Agricultural processing services.

1402.11 Meat-cutting and butchering shops.

1402.12 Jails, prisons and detention centers.

1402.13 Offender rehabilitation facilities.

1402.14 Recycling centers.

- 1402.15 Impoundment storage yards.
- 1402.16 Motion picture production sites/studios.
- 1402.17 Parking lots, commercial.
- 1402.18 Printing and publishing businesses.
- 1402.19 Gasoline/service stations.
- 1402.20 Banks and banking services.
- 1402.21 Personal and professional services.
- 1402.22 Truck stops.
- 1402.23 Emergency vehicle stations not otherwise exempted by Section 2002.
- 1402.24 Funeral and crematory services.
- 1402.25 Restaurants, bars, taverns and nightclubs.
- 1402.26 Solid waste transfer stations.
- 1402.27 Carwash.
- 1402.28 Anemometers (Temporary Use Permit not to exceed three years).

1403 Site Development Standards

All uses permitted in HI districts shall conform to the following minimum site development standards:

1403.01 Maximum Height

Structure	50 feet above grade (except Wireless Communication Towers)
Fence or wall	15 feet above grade

1403.02 Setbacks, Principal and Accessory Structures/Uses

The minimum setback shall be measured from the closest point on the property line or road travelway to the structure/use as follows:

A. For those HI zoning districts which abut HI, LI, or PD zoning districts, the setback* shall be a minimum of 5 feet, except that the structure/use shall maintain a setback of 20 feet from any road travelway and any other setbacks required by building codes.

B. For those HI zoning districts which abut RU, R, SR, SM, PD-1, NB, MR or GB zoning districts the setback* shall be a minimum of 100 feet and 20 feet from any road travelway.

* The minimum setbacks for Special Uses shall be 200 feet.

1403.03 Maximum Site Coverage - 85 percent

1403.04 Distance Between Buildings

Except as otherwise provided in these Regulations, a minimum distance between principal structures shall be 15 feet; 10 feet for multiple-household structures. Nothing herein shall prevent permanent attachment of principal structures.

1403.05 Screening

Whenever a non-residential use abuts a residential zoning district or is separated therefrom by an alley, the developed area of the non-residential site shall be screened with a 6-foot high solid screen (see Section 1805.02 for definition). The Zoning Inspector may defer the screening if the abutting residentially-zoned property is not yet developed with a residential use.

1403.06 Electrical Disturbance and Glare

No use except a temporary construction operation shall be permitted which creates harsh, uncomfortably bright light detectable beyond the boundaries of the site. No use shall be permitted which creates electrical disturbances that unreasonably affects the operation of any equipment beyond the boundaries of the site.

1403.07 Noise or Vibration

No noise or vibration (other than normal vehicular traffic) shall be permitted which is discernible on neighboring residential sites, to the unaided human senses for 3 minutes or more duration in any one hour of the day between the hours of 7:00 a.m. to 7:00 p.m. or of 30 seconds or more duration in any one hour during the hours of 7:00 p.m. and 7:00 a.m.

1403.08 Odors

No emission of odorous gases or other odorous matter shall be permitted in quantities sufficient to be offensive or to create a nuisance or hazard beyond the site boundaries.

1403.09 Other Nuisances or Emissions Beyond the Site Boundaries

No emission shall be permitted which can damage health, animals or vegetation, or other forms of property, or which can cause any nuisance or hazard.

1404 Permitted Accessory Uses

Accessory uses are permitted in the HI zoning district provided they are customarily incidental to an established permitted principal use. Accessory structures may exceed the size of the principal structure provided that all other site development standards are met.

1404.01 One dwelling or recreational vehicle for the family or employees of the owner/operator or caretaker of the site of a principal use. Dwelling or RV shall not be rented to the public.

1404.02 Temporary occupancy of recreational vehicles in conjunction with the construction of a principal use (a Temporary Use Permit is required, see Section 1817.03,A).

1404.03 Recreational Vehicles (RV's) are allowed as follows:

- A. Storage of no more than 2 RV's on a parcel (no permit is required).

B. Temporary occupancy of 1 RV in conjunction with a permitted principal use up to 6 months in a calendar year (a Temporary Use Permit is required); stays 15 consecutive days or less do not require a permit.

C. Temporary occupancy of RV's in conjunction with the construction of a residential or non-residential permitted principal use (a Temporary Use Permit is required, see Section 1817.03.A).

1404.04 Wind Energy Systems (Subject to the site development standards in Section 1822).

1404.05 Solar Energy Systems.

1405 Special Uses

In HI zoning districts, the following uses may be permitted as a Special Use subject to the procedures and review criteria set forth in Section 1716 of these Regulations.

1405.01 Electrical generation plants.

1405.02 Regional sewage treatment plants.

1405.03 Solid waste landfills or incinerators

1405.04 Manufacturing, wholesaling, warehousing, distribution or storage of materials that are inflammable, explosive or hazardous or that create hazardous or commonly recognized offensive conditions, such as dust, noise or smoke detectable off site.

1405.05 Billboards.

1405.06 Lighted Outdoor Recreation Facilities.

1405.07 Airports, heliports and flying fields.

1405.08 Junkyards.

1405.09 Slaughterhouses and meat packing plants.

1405.10 Wind Energy Power Plants.

1405.11 Solar Energy Power Plants.

1405.12 **Medical Marijuana Cultivation Facility, see Article 18 for applicable site development standards)**

1825 Medical Marijuana Dispensaries, Infusion Facilities, Onsite Cultivation Facilities and
Dispensary-affiliated Offsite Cultivation Facilities

1825.01 Setbacks:

Minimum setbacks for dispensaries, infusion facilities, onsite dispensary cultivation and offsite
dispensary-affiliated cultivation facilities shall be no closer than 500 feet, as measured from the
property boundary, from:

- A. Any other medical marijuana dispensary or infusion facility.
- B. Any library.
- C. Schools (private or public).
- D. Day care centers (private or public).

Minimum setbacks for dispensaries, infusion facilities, onsite cultivation facilities and offsite
dispensary-affiliated cultivation facilities shall be no closer than 300 feet as measured from:

- A. Any existing residential use located in a residential zoning district or an approved
subdivision. The distance would be measured in a straight and direct horizontal line
between the closest exterior wall of the medical marijuana dispensary to the closest
exterior wall of the nearest principal residential structure(s).

1825.02 Restrictions:

The following restrictions shall be applied to medical marijuana dispensaries and infusion
facilities:

- A. All medical marijuana dispensaries and infusion facilities shall be located in a permanent
building and may not be located in a trailer, cargo container, or motor vehicle.
- B. No medical marijuana dispensaries and infusion facilities shall provide drive-through
services.
- C. No medical marijuana dispensaries and infusion facilities shall provide outdoor seating
areas.

