



Cochise County
Community Development
 Planning, Zoning and Building Safety Division

Public Programs...Personal Service
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MEMORANDUM

TO: Cochise County Board of Supervisors
THROUGH: Ed Gilligan, County Administrator
FROM: Peter Gardner, Planner I
FOR: Ed Gilligan, Interim Planning Director
SUBJECT: Docket Z-17-03 (Goethe)
DATE: September 27, 2017 for the October 11, 2017 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from MH-72 (Multiple Household Residential; one dwelling per 7,200 square feet) to GB (General Business). The request is to facilitate the construction of a Storage and Office Building. The subject parcel is 0.80 acres (34,804 square feet) in size.

The subject parcel, APN 106-70-116A, is located at the southeast corner of N. 5th Street and Denman Avenue in the Fry Townsite. The Applicant is Bill Goethe.

I. PLANNING & ZONING RECOMMENDATION

On Wednesday, May 10, 2017, the Planning and Zoning Commission voted 5-0 to forward this Docket to the Board of Supervisors with a recommendation of approval. The motion included the conditions of approval recommended by staff.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size:	0.80 acres (34,804 sq. ft.)
Current Zoning:	MH-72 (Multiple Household Residential; one dwelling per 7,200 sq. ft.)
Proposed Zoning:	GB (General Business)
Growth Area:	A – Urban Growth Area
Plan Designation:	Enterprise Redevelopment
Area Plan:	None
Existing Uses:	None
Proposed Uses:	Office and Storage Building

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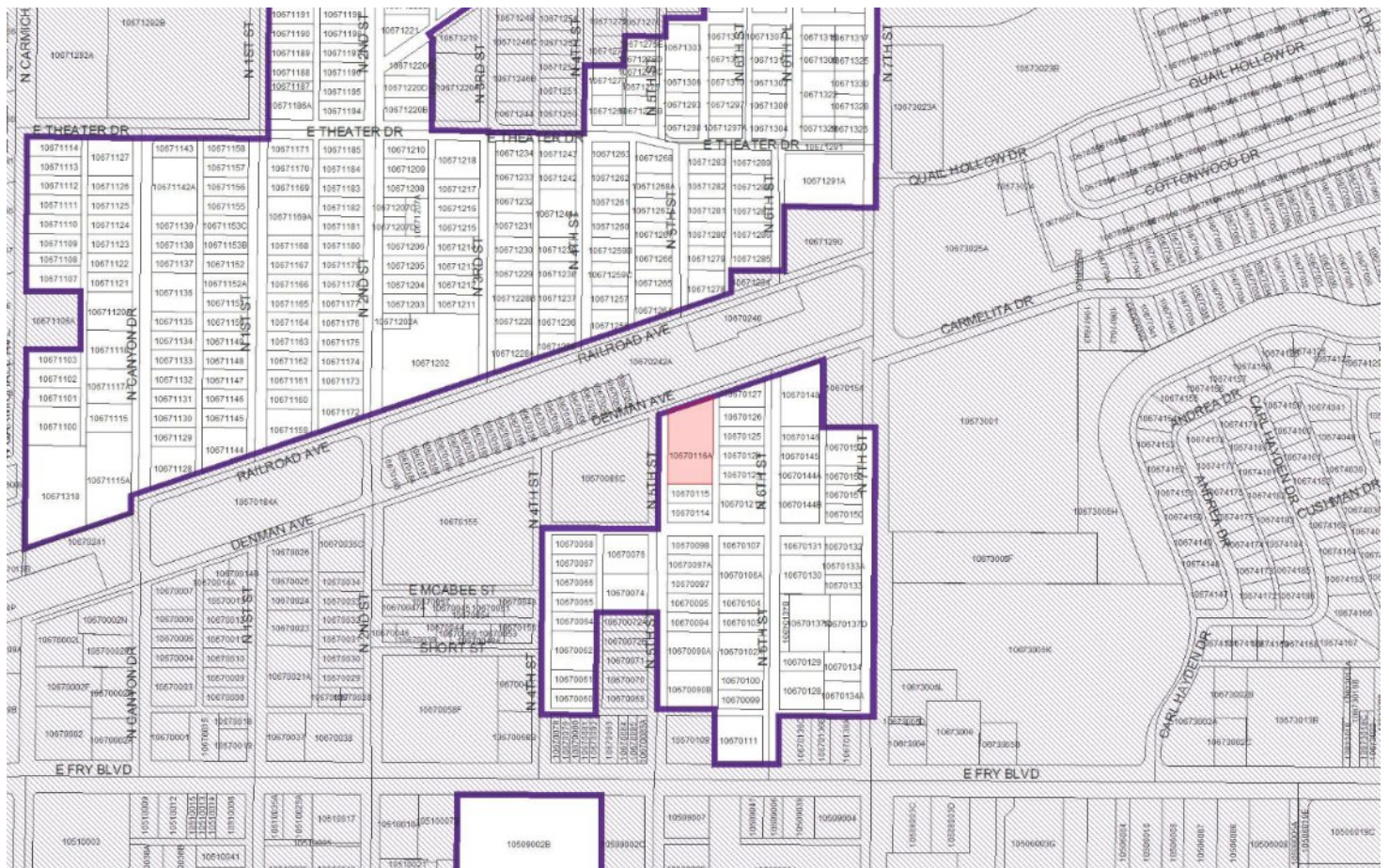
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Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	GC (City)	Denman Ave/Subsidized Housing Complex
South	MH-72	Rental Residential Complex
East	GB	Rental Residential Complexes, Auto Repair, Contract Construction
West	MHR(City)	N. 5 th Street/Vacant

III. PARCEL HISTORY

A mobile home park was established in 1957, and expanded through 1966. The park was cited multiple zoning violations from the 1990's onward. In 2017, the parcel was deeded to the City of Sierra Vista after a joint City/County effort to remediate numerous distressed properties belonging to an owner in the Fry Townsite. The site was then purchased by the Applicant, who then pulled permits to demolish the structures and clean the property. The property is currently vacant following these efforts.



Location Map

IV. NATURE OF REQUEST

The Applicant is requesting to amend the zoning of his 0.80-acre parcel in the Fry Townsite enclave, to facilitate the construction of a commercial office and storage building.

The Fry Townsite has been undergoing a concerted redevelopment effort, with the Applicant taking a lead role with multiple properties on 5th and 6th Streets. Since removing the distressed non-conforming 21-unit mobile home park, the Applicant has stated a desire to construct an office and storage building on this parcel, which is not permitted under the current MH-72 zoning, but is permitted under the General Business zoning.



Looking southeast at the site

V. ANALYSIS OF IMPACTS

Mandatory Compliance

Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "A" Urban Growth Area and is considered an "Enterprise Redevelopment" area per the Comprehensive Plan. GB zoning is permitted in the Category "A," "Enterprise Redevelopment" areas, therefore this request to rezone to GB complies with the Comprehensive Plan as detailed below.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Twelve of the criteria are applicable to this request. Nine of the factors are met as submitted, the other three are met with the standard conditions requiring all other regulations to be met.

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

The Applicant intends to construct an office and storage building, a use considered Contract Construction Services. At the commercial permit phase, a full site plan will be required, but the submitted concept plan does show that all required site development standards may be met.

2. Compliance with Applicable Site Development Standards: Complies

As noted above, all applicable site development standards may be met.

3. Adjacent Districts Remain Capable of Development: Complies

The proposal would not affect the development prospects of any neighboring properties. Only the property to the west, across N. 5th Street, is currently undeveloped, although signs indicate that a church community and conference center are planned.

4. Limitation on Creation of Nonconforming Uses: Complies

If approved, the rezoning would not create any non-conforming land uses.

5. Compatibility with Existing Development: Complies

The site will abut existing GB zoning to the east, and complies with the overall existing character of development in the neighborhood. While several of the parcels to the east are developed with multifamily housing, they are zoned GB, and are considered commercial sites, and the other parcels to the east are developed with commercial/industrial land uses.

The parcel to the south will remain zoned and developed Residential, however N. 5th Street is a mixture on Commercial and Residential Uses. The Comprehensive Plan designation of Enterprise Redevelopment encourages replacing the residential uses with commercial zonings and uses as the opportunities arise.

6. Rezoning to More Intense Districts: Complies with Conditions

As noted above, the proposed zoning is a reasonable extension of an existing GB zoning district. The nearby Residential Districts are a high density, multifamily designation, which is typically considered a reasonable buffer to a commercial district. In addition, the actual uses of these residential districts are dense multifamily complexes as opposed to lower density single-family residences.

The proposed district will be required to comply with all applicable zoning regulations designed to protect residential uses in a residential zoning district from the impacts of abutting commercial development. These regulations include screening and landscaping requirements. The south property line will be required to be screened with a six-foot solid fence or wall, which the Applicant has verbally expressed a desire to do. There is currently a chain-link fence along this property line, located on the southern parcel. Residents have hung shade cloth along this fence to screen the dilapidated mobile home park that previously sat on the subject parcel. The required wall will provide additional protection over that of the shade cloth.

There has been discussion about screening the north side of the property as well, along Denman Avenue. This was proposed as protection for the multifamily housing complex to the north. While staff would not be opposed to such screening as long as it complied with sight triangle requirements, it would not be recommended as a condition. Section 1805.01 of the regulations establishes the primary purpose of screening as blocking adverse views from neighboring properties. As shown below, the residences across the street have no forward facing windows at ground level. There are windows, likely from bedrooms, on the second

level, but at approximately 90 feet of horizontal separation, they will primarily look right over the wall, except for the area directly adjacent to the wall, rendering the screening ineffective.



Looking north along N. 5th street, showing the residences across Denman from the subject property.

7. Adequate Services and Infrastructure: Complies

The site has existing electric, gas, and water service. The Applicant has expressed a desire to hook into City Sewer, which the City will accept with a pre-annexation agreement. Fry Fire provides fire service, and supports the rezoning request on the condition that commercial permits are routed for their review and approval, which is standard practice.

The site is bordered by N. 5th Street, a County Maintained Road, on the west and Denman Avenue, a City Street, on the north. Both of these streets have the capacity to serve the proposed use. ITE manuals show that the proposed use will average less than half the traffic generated by the previous use, which did not impact the roadway infrastructure. A commercial right of way permit will be required to construct one or more commercial access points onto N. 5th Street. At this time, the Applicant has stated that N. 5th Street will be the sole means of ingress and egress to the site.

8. Traffic Circulation Criteria: Complies

This rezoning request will not use a residential street for through traffic, and no dedication or off-site improvements will be required. The functions of the surrounding streets according to the Comprehensive Plan will remain consistent.

9. Development Along Major Streets: Not Applicable

This parcel does not take access off collector or arterial streets.

10. Infill: Complies

This site is within a designated Enterprise Redevelopment Area, therefore locating in an area already designated for commercial development. Adequate infrastructure already exists, and the majority of the nearby land uses are compatible.

11. Unique Topographic Features: Not Applicable

There are no applicable features on the parcel.



Looking east, showing the commercial development to beyond the alley

12. Water Conservation: Complies with Conditions

Upon commercial permitting, all applicable regulations for the Sierra Vista Sub-Watershed will require compliance.

13. Public Input: Complies

The Applicant completed a Citizen Review and received no response. Staff mailed notices to neighboring property owners within 1,000 ft. of the subject property on September 14, 2017. Staff posted the property on September 26, 2017 and published a legal notice in the *San Pedro Valley Sun-News* on September 26, 2017. Two responses in support were received.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Comprehensive Plan: Complies

The subject property lies within a Category "A"– Urban Growth Area and is considered an "Enterprise Redevelopment" area per the Comprehensive Plan. This designation is intended to eliminate non-conforming land uses in favor of commercial development. This request would comply by doing exactly that.

VI. PUBLIC COMMENT

In response to County mailings, the Planning Department has received two responses in support.

VII. SUMMARY AND CONCLUSION

The request is for a rezoning, from MH-72 (Multiple Household Residential; one dwelling per 7,200 sq. ft.), to GB (General Business) on a 0.80-acre parcel located at the southeast corner of N. 5th Street and Denman Avenue in the Fry enclave. At this time, the area is characterized by mixed land uses, tending towards commercial and light industrial. The Applicant has removed a distressed non-conforming mobile home park, and wishes to construct an office and storage building. The Cochise County Comprehensive Plan designates the site as Enterprise Redevelopment, which encourages replacing residential land uses with commercial uses in a varied and distressed area. This request complies with that intent. At their October 11, 2017 meeting, the Planning & Zoning Commission voted 5-0 to recommend Conditional Approval, with the Conditions recommended by Staff.

Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of the existing development in the area;
2. The Comprehensive Plan policies prescribe replacing non-conforming and/or incompatible land uses in Enterprise Redevelopment areas with compliant commercial uses;
3. The request will continue an existing effort to replace and revitalize distressed properties with conforming commercial development;
4. Two letters of support have been received.

Factors Against Approval

1. The rezoning will carry the potential to create a land use with more neighborhood impacts than the previously existing non-conforming mobile home park.

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from MH-72 (Multiple Household Residential; one dwelling per 7,200 sq. ft.) to GB (General Business) on a 8.80-acre parcel located on the southeast corner of N. 5th Street and Denman Avenue in the Fry enclave 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.

IX. ATTACHMENTS

- A. Application
- B. Location Map
- C. Agency Comment Memos
- D. Public Comment