



Cochise County Community Development

Development Services

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MEMORANDUM

TO: Planning and Zoning Commission
FROM: Paul Esparza, AICP, Planner Manager
FOR: Dan Coxworth, AICP, Development Services Director
SUBJECT: Docket SU-93-08C (Arizona Folklore Preserve)
DATE: March 28, 2018 for the April 11, 2018 Meeting

APPLICATION FOR A SPECIAL USE MODIFICATION

The Applicant is requesting a Special Use Modification to expand parking and legitimize weekend music performances per Section 1716.05 of the Zoning Regulations. The applicant is Mike Rutherford representing the Arizona Folklore Preserve. The subject property, APN 105-46-001H, is located at 56 Folklore Trail off Ramsey Canyon Road.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 4 Acres
Zoning: RU-4 (Rural; one dwelling per 4 acres)
Growth Area: Category D-Rural Area
Comprehensive Plan Designation: Rural
Area Plan: None
Existing Uses: Cultural, Historic and Nature Exhibits
Proposed Uses: Same as existing with expanded parking and weekend music performances.

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Vacant
South	RU-4	Vacant
East	RU-4	Single Family Residence
West	RU-4	Single Family Residence

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II. PARCEL HISTORY

February 2003: SU-93-08B, modification request to permit additional parking and other uses denied
November 1996: SU-93-08A, modification to permit unrestricted hours of operation and two signs.
July 1993: SU-93-08, Special Use Permit for the Arizona Folklore Preserve.

On July 6, 1993, the Board of Supervisors approved the Special Use Permit submitted by Dolan Ellis to establish a cultural, historic and nature exhibit on a 14.99-acre parcel. The original application and site plan for the Arizona Folklore Preserve requested approval to construct a 2,900 square foot building for the Folklore Center, which would house a small auditorium, museum and book store/gift shop. The principal use of the Preserve was to collect and house items relating to Arizona history and folklore with an emphasis on southeastern Arizona. At the time of application Mr. Ellis indicated that the Preserve would allow limited visitation and parking and that it would have a very low impact on neighboring properties. Two individuals would be employed at the preserve, a manager and a caretaker and the hours of operation were proposed to be from 10:30 a.m. to 4:30 p.m., five days a week.

Several conditions of approval were imposed on this special use permit to mitigate associated off-site impacts. These included restricting to 10% the total floor area devoted to retail sales; all parking areas and internal drives shall be improved with a dust free gravel surface; only 13 parking spaces will be allowed on-site to limit the number of people that can access the facility at any given time; and the hours of operation were limited to 10:30 a.m. to 4:30 p.m. five days a week.

In November of 1996, Mr. Ellis applied for and was granted several modifications to the original special use permit. These included: deleting the condition that restricted the hours of operation (the hours of operation are currently unrestricted); allowing an on-site advertising sign depicting hours of operation; and allowing two ground signs with a five-foot setback.

Since the original special use permit for the Preserve was approved, several changes have occurred. First, a partnership was formed between the Preserve and the University of Arizona South, and the University Foundation of Sierra Vista, Inc. As a result, the University Foundation of Sierra Vista, Inc. owned the facilities on-site and the four acres of land. The U of A South signed a five-year lease agreement with the University Foundation and eventually took ownership of the 4-acre parcel.

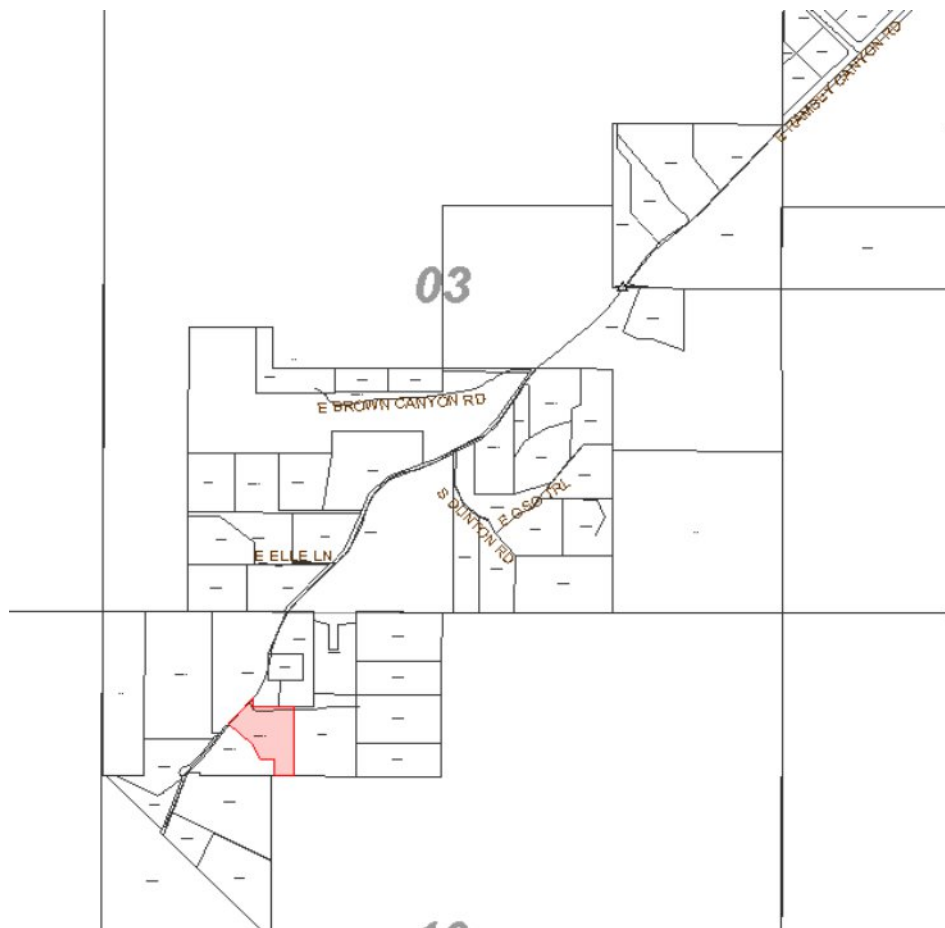
When the special use was approved, the parcel was 14.99 acres in size and an overall analysis of the impacts of the facility onto adjoining properties was based upon that acreage. The original applicant and previous property owner Dolan Ellis split the 14.99 acres into 3 parcels and the Preserve is now 4 acres in size.

The original special use was conditioned that no more than 13 parking spaces be provided onsite, that was the minimum number of spaces required for the original use by the Zoning Regulations at that time.

III. NATURE OF REQUEST

This is an application to modify Special Use Permit SU-93-08 approved by the Board of Supervisors on July 6, 1993 that established the Arizona Folklore Preserve (§ 607.33 - Cultural, Historic and Nature Exhibits). The applicant is requesting two modifications to the original application to expand the on-site parking and legitimize weekend music performances that normally occur 44 weekends a year. The typical season begins the last weekend in August or the first weekend in September and runs through the closest weekend to the Fourth of July. The two weekend performances are typically not at full capacity, but reservations are capped for each show.

Additional uses at the facility include University meetings and retreats or related activities that are educational in nature and have been determined by county staff to be permissible accessory uses.



Location Map



Photo of Folklore Preserve Building and Parking Area



Aerial Photo



Parking Area

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten criteria to evaluate Special Use applications and determine factors in favor and factors against a special use.

Seven of the ten criteria are applicable and are considered as factors in deciding whether or not to approve the expansion of this Special Use Permit and to apply conditions as necessary. The three remaining criteria are not applicable to this request.

A. Compliance with Duly Adopted Plans: Complies

The Arizona Folklore Preserve site is in a Category D, Rural designation area with surrounding residential uses on larger lots. The Land Use and Rural Character Elements encourage low impact land uses. The Folklore Preserve site is a low impact use on the land as it sits unoccupied most of the time. The site has minimized hard surface areas which decreases negative runoff into Ramsey Creek.

B. Compliance with the Zoning District Purpose Section: Complies

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;

601.04 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; and

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.

The Arizona Folklore Preserve site is compatible with the above zoning district purpose statements.

The nature of the Arizona Folklore Preserve is to provide a facility to collect and house items relating to Arizona history and folklore. The applicant wishes to legitimize the weekend music performances that have become part of the Folklore Preserve appeal to the public.

C. Development Along Major Streets: Not Applicable

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

D. Traffic Circulation Factors: Complies

In the original parking condition, the Preserve was capped at 13 parking spaces to limit the number of people that may visit the facility at any given time. Most of the traffic on Ramsey Canyon Road travels to other commercial uses located further into Ramsey Canyon. These uses include the Nature Conservancy and a bed and breakfast. Analysis of the original special use estimated that a majority of traffic traveling on Ramsey Canyon Road would be from visitors to the bed and breakfast and the Nature Conservancy. The Nature Conservancy receives an estimated 30,000 visitors per year. Although the Preserve has become more popular since the University of Arizona South has taken ownership of the site, it is a fair assumption that the majority of traffic on Ramsey Canyon Road is still traveling to the Nature Conservancy.

The requested increase of parking spaces will minimally increase the amount of traffic generated by the Preserve on Ramsey Canyon Road. The music performances and additional parking utilization will occur during the hours of 1:00 PM-4:30 PM Saturdays and Sundays. This is when most vehicle trips per weekend day are generated to and from the site.

Fry Fire reduced the occupant load for the main structure to 55 from 100. The change is due to the table seating that is currently provided as opposed to the row seating that was proposed when the structure was constructed.

E. Adequate Services and Infrastructure: Complies

Adequate services and infrastructure are available to the site. Water is provided by a well and a septic system serves the site. The Fry Fire District provides fire protection. Ed Shiver did visit the site to review conditions that had been requested of the applicant in 2003. The conditions have been addressed including verifying with the contractor who built the bridge that it can sustain the weight of a fire engine.

F. Significant Site Development Standards: Complies

As mentioned in this report, the parcel is now 4 acres as opposed to the original 14.99 acres. The facility and structures on the site that currently exist meet site development standards. The site does not lie within a FEMA designated floodplain.

G. Public Input: Does not Comply

The Applicant mailed letters to all property owners within 1 mile of the Folklore Preserve to notify them of his application submittal. The applicant has spoken to two adjacent property owners who are in favor of the request. Development Services mailed letters to all property owners within 1 mile of the Preserve. To date, four letters and one email of opposition have been received by the department. The concerns raised in the opposition letters mention noise and traffic congestion.

H. Hazardous Materials: Not Applicable

I. Off-Site Impacts: Complies.

Most of the concerns related to the current off-site impacts and the potential to increase negative off-site impacts if the use expands as proposed have been generated by neighboring property owners who have mentioned noise and traffic congestion.

There is a mixture of residential and non-residential uses in this area. The expansion of the Preserve and the addition of parking spaces for the weekend music performances would generate minimal impacts and would not degrade the overall character of Ramsey Canyon. The existing Nature Conservancy use further up Ramsey Canyon generates greater traffic impacts during the week.



Nature Conservancy Parking lot on a Monday morning

J. Water Conservation: Not Applicable

No new water use is proposed.

V. PUBLIC COMMENT

The Development Services Department mailed notices to neighboring property owners within 1 mile of the subject property. Staff posted the property on March 26, 2018 and published a legal notice in the *San Pedro Valley News-Sun* on March 21, 2018. In response to applicant and County mailings, the Development Services Department has received to date, four letters and one email in opposition to the modification request.

VI. SUMMARY AND CONCLUSION

In summary, the Arizona Folklore Preserve is requesting an increase in permitted parking and to legitimize the weekend music performances that have been occurring since Mother’s Day 2001. The amount of permitted parking is self-limiting based on the occupancy load of 55 for the main building.

The University of Arizona South is currently permitted to utilize the site for retreats and meetings or related activities that are educational in nature which are permissible accessory uses.

Factors in Favor of Approving the Special Use

- 1. The proposed uses are compatible with the RU Zoning Districts purpose statements.
- 2. The weekend music performances are compatible with the existing use as a Cultural, Historic and Nature Exhibit.
- 3. The additional parking spaces can be adequately accommodated on the site.
- 4. The current occupancy load of 55 imposed by Fry Fire will limit of number people that can utilize the main building at any time.
- 5. Expansion of this use does not degrade the overall character of Ramsey Canyon.
- 6. The applicant received two verbal approvals of the request.

Factors Against Allowing the Special Use

- 1. The original Special Use Permit was approved for a parcel that was 14.99 acres. The use is now on a parcel that is 4 acres.
- 2. Expansion of this use will minimally increase the amount of traffic on Ramsey Canyon Road.
- 3. Four letters and one email in protest have been received.

VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Approval** of the Special Use Modification request for an increase in permitted parking and to legitimize the weekend music performances, subject to the following Conditions:

- 1. Within 30-days of approval of the Special Use modification, the Applicant shall provide the County a signed Acceptance of Conditions form.
- 2. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval by the Planning and Zoning Commission.

Note: The recommended conditions will supersede any previous conditions that are attached to this Special Use if the Commission approves this Special Use modification request.

Sample Motion: *Mr. Chairman, I move to approve Special Use Modification SU-93-08C, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

VIII. ATTACHMENTS

- A. Application
- B. Agency comment memos
- C. Vicinity Map
- D. Site Plan
- E. Pictures
- F. Letters and email in protest