



Cochise County
Community Development
 Planning, Zoning and Building Safety Division
Public Programs...Personal Service
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MEMORANDUM

TO: Cochise County Board of Adjustment, District 1
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Development Director
SUBJECT: Docket BA1-19-01 (Ruby)
DATE: May 9, 2019 for the May 15, 2019 Meeting

APPLICATION FOR VARIANCE

Docket BA1-19-01 (Ruby):

The Applicant is requesting a Variance to Section 1804.07.A of the Zoning Regulations, which requires every parking and loading area and all driveways for sites within a Category A (Urban Growth Area) shall be paved with asphaltic concrete or with an equivalent or better material approved by the County Zoning Inspector. The Applicant is requesting a twelve month deferral of the requirement and be allowed to install gravel in the interim.

The subject parcel (Parcel # 105-05-003B) is located 888 S. Highway 92 in Sierra Vista, AZ. It is further described as being situated in Section 01 of Township 22 South, Range 20 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is James Ruby.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: 0.82-acres (35,873-square feet)
Zoning: GB (General Business)
Growth Area: Category A (Urban Growth Area)
Plan Designation: Enterprise
Area Plan: None
Existing Uses: Vacant lot
Proposed Uses: Coffee Shop

Surrounding Zoning and Uses

Relation to Subject Parcel	Zoning District	Use of Property
North	GC (city of Sierra Vista)	Funeral home
South	GB	Veterinarian
East	Highway 92, OP (city of Sierra Vista)	SR92, County Government Center
West	GB	Single family dwellings/storage

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III. PROJECT DESCRIPTION

The Applicant is requesting a Variance to Section 1804.07.A of the Zoning Regulations, which requires every parking and loading area and all driveways for sites within a Category A (Intensive Growth) shall be paved with asphaltic concrete or with an equivalent or better material approved by the County Zoning Inspector. The Applicant is requesting a twelve month deferral of the requirement and be allowed to install gravel in the interim.

The Zoning Regulations identify Urban Growth Areas as:

403.01 Identifying Plan Areas as Urban Growth (Category A)

A. The area has established or planned residential and/or non-residential development, and has the potential to be annexed by an abutting incorporated city.

B. The area can be adequately served by an adjacent community sewer system, potable water system, and fire district.

C. Average residential lot sizes are less than one-acre in size.

D. The area provides major regional commercial and other non-residential services.

*E. Street improvements and urban site development standards (e.g. limitations on residential outdoor storage and requirements for **asphaltic parking areas**) are appropriate.*

F. The area has the potential for or is currently served by adequate drainage, transportation and K-12 school systems, as well as organized recreational facilities that can serve high-density development.



Paved parking is found throughout most of the area including the properties north (funeral home), south (Veterinarian office) and west (church/county government center). The requirement for paving is required for all commercial development located within this designation and in the adjacent City of Sierra Vista.

IV. ANALYSIS OF IMPACTS

The project site is within a developed and redeveloping County enclave adjacent on two sides to the city of Sierra Vista. If this project were located within city limits it would also be required to provide paved parking and access, as the County requires in this area. All business located along the Highway currently have paved parking. Staffs concern about approving this variance revolve around four main issues:

1. Precedence

This parcel is located adjacent to the city of Sierra Vista, in the county's most intense Comprehensive Plan designation and surrounded by dense commercial developments, all with paved parking, along the highway. If this variance is approved staff is concerned about the precedent that this variance will have on other development projects in the future.



2. Compatibility with surroundings

As stated and documented with the pictures, all business in this area along SR92 have paved parking. Allowing the gravel parking along the highway and would look out of place with the surrounding business and institutions. The Comprehensive Plan, Zoning Regulations, and Staff agree that gravel parking is not appropriate in this area.

3. Ability to enforce

If the variance is granted and the business obtains a certificate of occupancy it would be difficult to enforce the owner to pave the parking. If an owner refused, it could result the County having to revoke the certificate, which is not a desired option. This becomes even more complicated if the business is sold or transferred to another individual or entity.

Staff contemplated the requirement of a bond as a way to ensure that the parking is paved, however should the parking not be completed that would require staff to enter private property and make improvements. This is not something that the County would do.

4. ADA Accessibility

Finally, regardless of other parking surfaces, the site will still be required to provide paved accessible parking and path of travel from the parking to the employee entrance.

V. PUBLIC COMMENT

The Department mailed notices to neighboring property owners within 300-feet. Staff posted the property on April 22, 2019 and published a legal notice in the *San Pedro Valley Sun-News* on April 17, 2019. To date, the Department has received one response from a neighboring property owner expressing support for the request.

VI. SUMMARY AND CONCLUSION

Factors in Favor of Approving the Variances

1. One letter of support has been received.

Factor Against Approving the Variances

1. The Area is located in Category A, Urban Growth Area which states paving is appropriate;
2. All surrounding businesses have paved parking. This would look out of character with the neighborhood;
3. Approving the request could set a precedence for future commercial development;
4. Once a certificate of occupancy is issued to the business it would be very difficult to enforce the paving should the owner refuse or the property has been sold or transferred.

VII. RECOMMENDATION

Based on the Factors in Favor of Approval as Findings of Fact, Staff recommends **denial** of the Variance as requested.

Sample Motion: *Mr. Chairman, I move to approve Docket BA1-19-01, granting the Variances as requested by the Applicant, the Factors in Favor of approval constituting the Findings of Fact.*

VIII. ATTACHMENTS

- A. Variance Application