



**Cochise County**  
**Community Development**  
 Planning, Zoning and Building Safety Division

Public Programs...Personal Service  
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**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Robert Kirschmann, Planner II  
**FOR:** Daniel Coxworth, AICP, Planning Director  
**SUBJECT:** Docket Z-19-05 and SU-19-05 (Dollar General)  
**DATE:** April 2, 2019 for the April 10, 2019 Meeting

**APPLICATION FOR A SPECIAL USE**

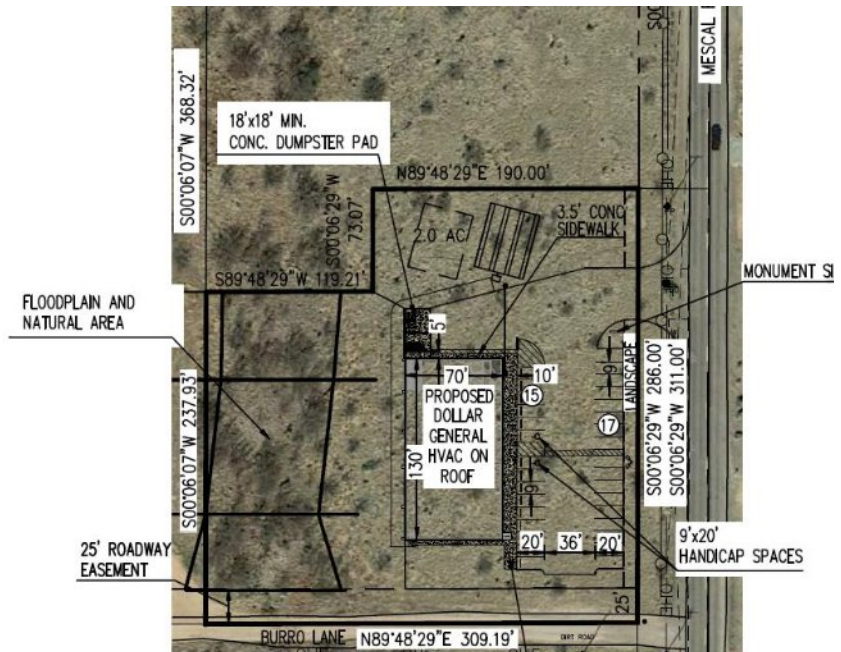
The Applicant requests a Special Use Authorization to approve a 9,100 square foot Dollar General Store. A Rezoning Application is also included to rezone the property from RU-4 to RU-2. The rezoning is *not* required by the Zoning Regulations to approve the Special Use. Dollar General is requesting the rezoning in order to have less property to maintain once the store is constructed.

The 4.82 acre site, 124-05-003N, is located on the northwest corner of Mescal Road and Burro Lane and is zoned RU-4. In a rural zoning district, Retail sales exceeding 2,500 square feet require Special Use Authorization. The Applicant is DCM Development.

**ADDITIONAL INFORMATION**

This item was heard by the Planning and Zoning Commission at their meeting of April 10, 2019. At that meeting the Commission continued the item until the meeting of May 8, 2019. The Commission wanted to provide the applicant to address some questions and concerns prior to making a decision on the matter. Issues included:

- Signage
- Outdoor Lighting
- Flood Control
- Native Vegetation/screening
- Traffic safety



The Applicant has provided a revised site plan, aerial images and a written response to the concerns identified at the meeting. These have all been attached to the packet as "New Application

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Information”.

In regards to signage, the applicant has agreed to a condition of approval, requiring externally illuminated signage. The light will be directed down and comply with the outdoor lighting and sign regulations.

The Outdoor lighting will exceed the Zoning Regulations. Fully cut off shields, reduced lumens and warm temperature will be utilized to reduce lighting impacts. The light pole will be lowered below the building parapet to avoid light spillage to the west. Additionally, there will be no wall lights on the western portion of the building.

The updated site plan shows the non FEMA regulated “floodplain and natural area” west of the building. This area will only be cleaned and trimmed but left in place as an additional, not required buffer.

The Applicant also states they are willing to put in a crosswalk, contingent upon approval from the County Engineer. Also, in reference to traffic safety, no access is proposed to the private Burro drive to avoid maintenance and turning movement conflicts.

**I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES**

Parcel Size: 4.82 acres (210,026 sq-ft)  
 Existing Zoning: RU-4 (Rural; one dwelling per 4 acres)  
 Proposed Zoning: RU-2 (Rural; one dwelling per 2 acres)  
 Growth Area: Category D-Rural Area  
 Comprehensive Plan Designation: Rural  
 Area Plan: None  
 Existing Uses: Vacant  
 Proposed Uses: 9,100 square foot Dollar General



**Zoning/Use of**

**Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-8 (Single Residential one dwelling per 8,000 square feet)	Vacant
South	Non-maintained Road/RU-4 (Rural; one dwelling per 4 acres)	W. Burro Lane/ Rural Residential

East	County Maintained Road/MH-72 (Multiple Household Residential, one dwelling per 7,200 square feet)	Mescal Road/Developed residential neighborhood
West	RU-4 (Rural; one dwelling per 4 acres)	Rural Residential

**II. PARCEL HISTORY**

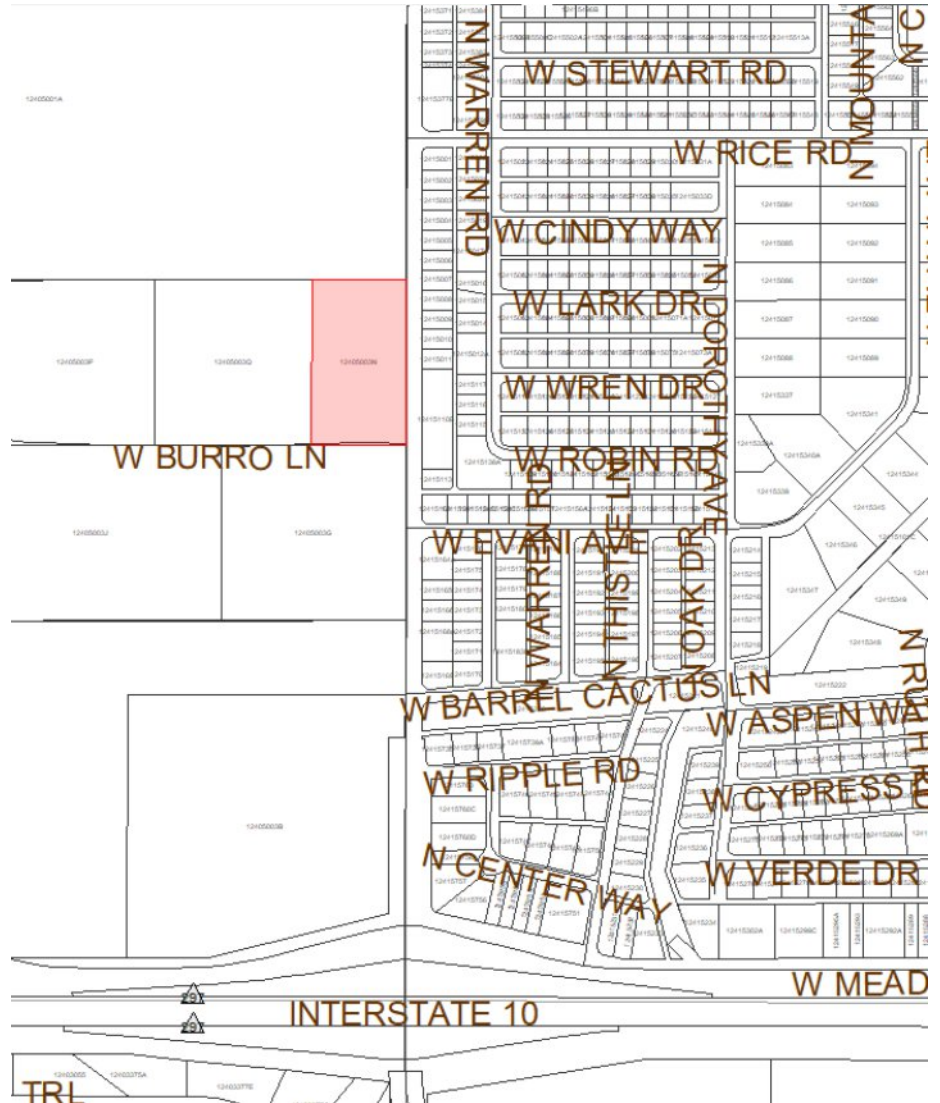
N/A, vacant land

**III. NATURE OF REQUEST**

The Applicant requests a Special Use Authorization to approve a 9,100 square foot Dollar General Store. A Rezoning Application is also included to rezone the property from RU-4 to RU-2. The rezoning is *not* required by the Zoning Regulations to approve the Special Use. Dollar General is requesting the rezoning in order to have less property to maintain once the store is constructed. The remainder 2 plus acres will be split from the property and sold.

That parcel could be developed with a single family home, or a separate special use could be requested in the future. If a Special Use were to be requested a public process, similar to this application will be required.

There are two separate actions requested of the Planning Commission. One is the Rezoning, which is a recommendation to the Board of Supervisors. The second to take action on the Special Use. The next section of the report will discuss the rezoning and special use separately.



Location Map



#### **IV. ANALYSIS OF REZONING 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 "D" Rural per the Comprehensive Plan. RU-2 zoning is permitted in the Category "D" Rural Area, therefore this request to rezone 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. Thirteen of the criteria are applicable to this request. Twelve of the factors are met as submitted, and one is met with conditions. The remaining criteria is not applicable.

##### **1. Provides an Adequate Land Use/Concept Plan: Complies**

A detailed site plan has been provided in conjunction with the Special Use Request. Detailed discussion and conditions will be discussed in the Special Use portion of this report.

##### **2. Compliance with Applicable Site Development Standards: Complies**

The Site Plan provided shows that the Dollar General Building will be able to meet or exceed all site development standards required. The 2.3 acre parcel that is proposed north of the Dollar General will also be able to meet or exceed all development Standards.

**3. Adjacent Districts Remain Capable of Development: Complies**

The proposal would not affect the development prospects of any neighboring properties. There are several surrounding parcels that are currently undeveloped, but this request will not preclude or limit their developments.

**4. Limitation on Creation of Nonconforming Uses: Complies**

If approved, the rezoning will not result in the creation of non-conforming uses. The zoning will remain rural, however the minimum lot size is reduced from four to two acres. No other standards change as a result of this rezoning.

**5. Compatibility with Existing Development: Complies**

As mentioned above, the zoning of the parcel will remain rural and only the minimum lot size will change, allowing two acres instead of four. The existing development to the east across Mescal road is dense mainly single family homes. The zoning allows for multi family homes with lots as small as 7,200. Directly to the north is vacant land zoned SR-8, allowing for lots of 8,000 square feet. South and west of this lot are properties that are zoned and developed as Rural. The proposed zoning provides a transition from the higher density to the larger parcel to the west.

**6. Rezoning to More Intense Districts: Complies**

The rezoning increases the density from four acre to two acre lots. The existing Development to the west is much denser than what is proposed. The zoning to the north is SR-8, which is also much more intense than the two acre minimum. The zoning serves as a transition between the higher densities to the north and east and the rural area to the south and west. Further, the site plan provided shows the building and parking areas located near the corner of Burro Lane and Mescal Road. Staff has included a condition, that requires the native vegetation be left in place as a buffer, which will be discussed further under the Special Use Section.

**7. Adequate Services and Infrastructure: Complies**

The site has existing electric, gas, and phone service. The applicant may hook into the Mescal Lakes Water or drill a well.

Cochise County Sherriff provides law enforcement, HCI provides EMS and the fire service is provided by Mescal Fire. The Docket was transmitted to County emergency responders and no comments were received.

**8. Traffic Circulation Criteria: Complies**

The rezoning of the site to allow two, two acre parcels in and of itself will not significantly increase traffic. The construction of a Dollar store will lead to a minor increase in traffic and that is more thoroughly discussed under the Special Use.

**9. Development Along Major Streets: Complies**

Mescal Road is a paved two lane county collector. One access is proposed onto Mescal road for Dollar General. Future access for the other parcel will be reviewed during permit submittal and will comply with established County standards. No access is proposed onto private, unmaintained Burro Lane.

**10. Infill: Not applicable**

This criteria only applies if the rezoning is to General Business, Light or Heavy Industrial.

**11. Unique Topographic Features: Complies**

The parcel has a gentle rolling terrain. There is a wash and mesquite bosque located on the western portion of the property. A condition has been added for that vegetation to remain and serve as a buffer between the potential Dollar General and the rural residential property.

**12. Water Conservation: Complies**

Upon commercial permitting, all applicable regulations will require compliance.

**13. Public Input: Complies**

The Applicant mailed letters to neighboring property owners within one mile soliciting input from the Community. Staff mailed notices to neighboring property owners within one mile of the subject property on March 18, 2019. Staff posted the property on March 20, 2019 and published a legal notice in the *San Pedro Valley Sun-News* on March 20, 2019. Staff has received a total of nineteen responses. Ten of the responses are in support, 8 responses are in opposition, and one stated they would agree with the majority. A copy of all correspondence received as of April 3, 2019 is included in the packet.

**14. Hazardous Materials: Not Applicable**

No hazardous materials are proposed.

**15. Compliance with Comprehensive Plan: Complies**

The subject property lies within a Category “D”– Community Growth Area and is considered a “Rural” area per the Comprehensive Plan. *This category includes the outlying rural areas between cities and unincorporated communities and characterized by a low rate of growth; unimproved roads; low density, large lot rural residential development; agricultural production; and large tracts of undeveloped private and public lands.* Staff believes that this designation may not be correct for the area anymore and in the future may look to modify the comprehensive plan designations in the area.

Rezoning to RU-2 would allow two, two acre lots. The size of these lots would serve as a transition between the high densities to the north and east.

**IIV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Authorization, as well as to determine what Conditions and/or Modifications may be needed.

Nine of the ten factors apply to this request. The project, as submitted, complies with eight of those factors. With the recommended conditions of Approval the project complies with the ninth. The last remaining factors are not applicable to this application.

**1. Compliance with Duly Adopted Plans: Complies**

The proposed project complies with the Comprehensive Plan. The Rural Area category states that non residential development should be geared to providing local service. The proposed special use provides goods to the local community while not attracting customers from outside the area or interstate.

**2. Compliance with the Zoning District Purpose Statement: Complies**

The purpose Section 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” is met. The proposed retail store will provide goods to the local residents.

**3. Development Along Major Streets: Complies**

Mescal Road is a paved two lane county collector. One access is proposed onto Mescal road for Dollar

General. Future access for the other parcel will be reviewed during permit submittal and will comply with established County standards. No access is proposed onto private, unmaintained Burro Lane.

**4. Traffic Circulation Factors: Complies**

The number of trips to be generated by the proposed Dollar General was estimated using the most recent Institute of Transportation Engineers (ITE) "Trip Generation, 9th Edition" report. Land use code (LUC) 815 - Free-Standing Discount Store was utilized on the basis of 9,100 S.F. The results are summarized in the table below:

	<b>Retail</b>	<b>Avg. Vehicle Trip Ends vs:</b>	<b>Input (s.f)</b>	<b>A.M. Peak Hr. Avg. Rate</b>	<b>A.M. Peak Hr. Range of Rates</b>			<b>P.M. Peak Hr. Avg. Rate</b>	<b>P.M. Peak Hr. Range of Rates</b>	
815	Free-Standing Discount Store	1000 Sq. Ft. Gross Floor Area	<b>9100</b>	49.868	26.39	82.355	#	50.687	28.847	85.904

As shown on the table, the Dollar General will generate approximately 50 one-way trips during their AM peak hour, 51 trips during their PM peak hour and 67 trips during their Saturday mid-day peak hour. The nature of a Dollar General is not to attract business from outside the General area that they serve. Therefore, the majority of these trips generated will be from existing traffic in the neighborhood.

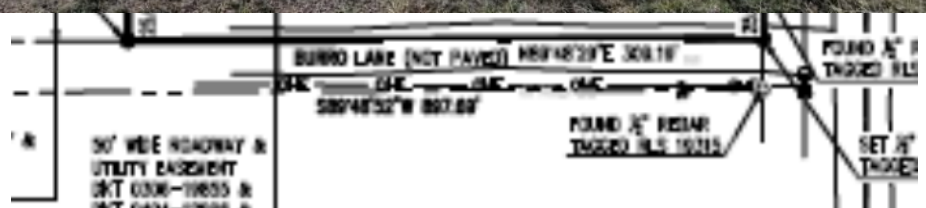
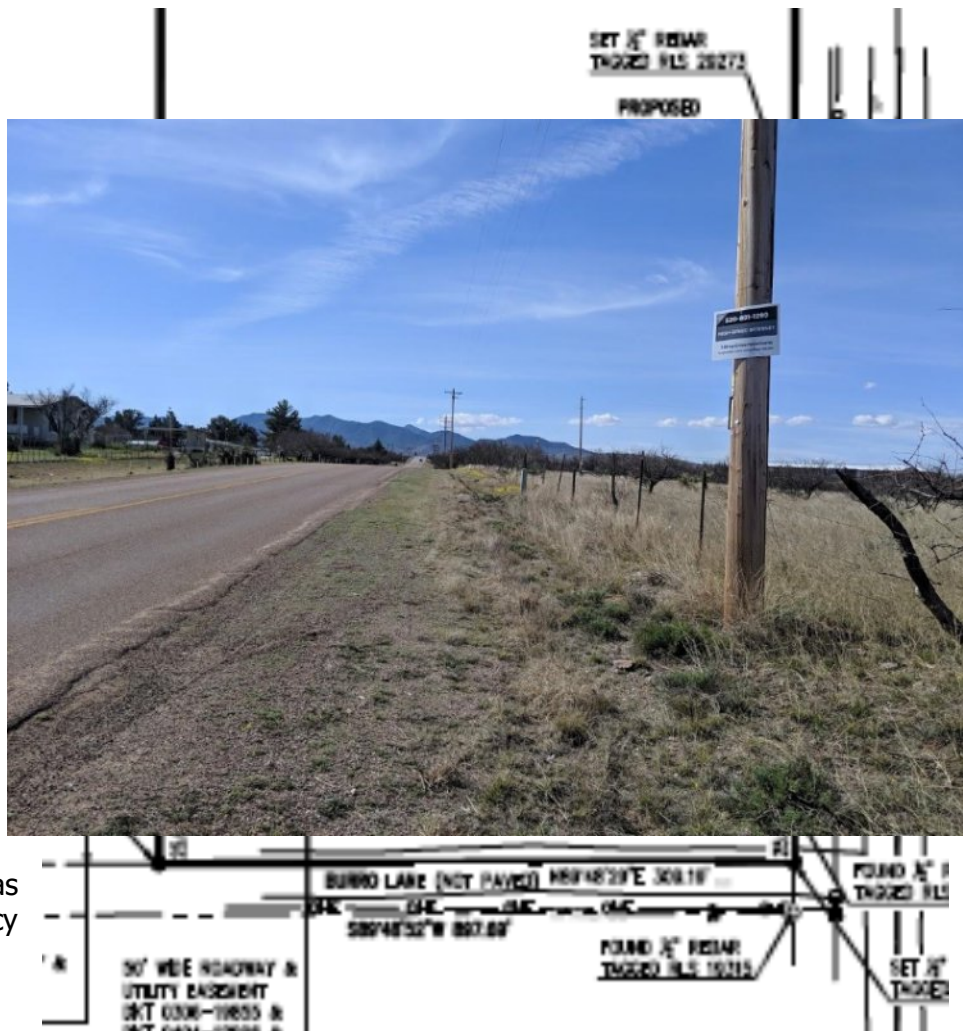
Traffic counts were taken on Mescal Road, approximately 1/4 of a mile north of the proposed Dollar General in 2018. At the point the Annual Average Daily Traffic (AADT) was 965, 479 north bound and 485 south bound. Mescal Road is a two lane county collector. The Applicant has been conditioned to dedicate an additional 50 feet of right-of-way to the County for the road. However, based upon the existing traffic volumes and potential increase of the Dollar General additional improvements are not required at this time.

**5. Adequate Services and Infrastructure: Complies**

As discussed above, the anticipated traffic can accommodate with the existing conditions.

The site has existing electric, gas, and phone service. The applicant may hook into the Mescal Lakes Water or drill a well.

Cochise County Sheriff provides law enforcement, HCI provides EMS and the fire service is provided by Mescal Fire. The Docket was transmitted to County emergency



responders and no comments were received.

**6. Significant Site Development Standards: Complies with conditions**

The Application meets or exceeds all development standards and requires no waivers or modifications. A few of the standards will be discussed below:

Screening: The parcel, and surrounding parcels to the north, south and west are designated as Category D, Rural by the Comprehensive Plan. No screening is required in this designation. However, after discussion with the applicant it was determined the mesquite bosque located on the west side of the property will remain for screening to greatest extent possible. Dead and damaged vegetation will be removed. A condition has been included requiring this and the perpetual maintenance of the vegetation, weeds and trash in this area.

The site plan does not appear to include an enclosure around the dumpsters. A condition is included requiring an enclosure around the dumpsters. The design of the enclosure shall be architecturally compatible to the building.



Landscaping: No landscaping is required in Category C and D. However, there are a large number of Yuccas and other native plants on the site. The Applicant will be including some of these into the project landscape areas.

Setbacks: The RU-2 Zoning District requires a minimum setback of 20 feet from the property lines which are exceeded.

Parking: The Zoning Regulations require 1 parking space per 350 square feet. The building is proposed at 9,100 square feet, thus requiring a total of 26 parking spaces. The plan provides 32 parking spaces.

Parking Lot: Category D requires a minimum of 2" thick gravel parking surface. The applicant will be paving the driveway and parking spaces.

Signage: The original application included plans for a 21 foot tall pylon. Staff believed that this was inappropriate due to the location of the business adjacent to an existing neighbor and the fact the business will be from local residents and not interstate traffic. The applicant agreed and has removed the pylon sign and replaced it with a more appropriate monument sign.



Outdoor Lighting: The Applicant will be required to comply with the Outdoor Lighting regulations and will be inspected by the building department. In addition, the lights and sign will be turned off after the store has closed.

Multi-modal access: As previously mentioned, this store is anticipated to primarily serve the nearby



residents. It is anticipating that many folks may choose to walk or ride a bicycle to the store. Due to this expectation staff has asked the applicant, who has agreed to include pedestrian access from the entrance to the building, through the parking lot and across Mescal Road. This would include a crosswalk and signage to the satisfaction of the County Engineer. The project also includes bicycle parking.

The site is not in a designated floodplain.

**7. Public Input: Complies**

The Applicant sent letters to all property owners within one mile of the tower parcel to notify them of his application and to address any neighbor concerns. Staff also provided notice. Ten letters in support, eight letters in opposition, and one stating she will agree with the majority were received and are included in the packet.

**8. Hazardous Materials: Not Applicable**

**9. Off-Site Impacts: Complies**

As discussed in detail under the site development standards, the proposal meets or exceeds the required development standards. Additional screening, parking improvement, reduction in signage have all been included to limit the impact to the community.

One final item is building architecture. There was some confusion with area residents as to what the building design will look like. Cochise County does not have design standards; however, the applicant is proposing a building which provides some architectural relief and interest. It will be similar in materials to the store constructed in Saint David.



**10. Water Conservation: Complies**

Dollar General uses a minimal amount of water as there are only two restrooms. The landscaping will be native/ drought tolerant, including yuccas from the construction site.

**VI. PUBLIC COMMENT**

The Applicant mailed letters to neighboring property owners within one mile soliciting input from the Community. Staff mailed notices to neighboring property owners within one mile of the subject property on March 18, 2019. Staff posted the property on March 20, 2019 and published a legal notice in the *San Pedro Valley Sun-News* on March 20, 2019. Staff has received a total of nineteen responses. Ten of the responses are in support, 8 responses are in opposition, and one stated they would agree with the majority. A copy of all correspondence received as of April 3, 2019 is included in the packet.

**VII. WAIVERS**

No waivers are required or requested for this proposal.

## **VIII. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to approve a 150-foot wireless communication tower and base equipment surrounded by a chain link fence on a 4.14-acre parcel southeast of Sierra Vista.

### **Factors in Favor of Approving the Rezoning/ Special Use**

1. With the recommended Conditions of Approval, the Rezoning would fully comply with the Twelve of the Rezoning factors used by staff to analyze this request;
2. With the recommended Conditions of Approval, the Special Use would fully comply with the nine Special Use factors used by staff to analyze this request;
3. The rezoning request is permitted in the Growth Category D, Rural Area Designation and therefore meets the mandatory compliance for rezoning;
4. The subject parcel is of a size and configuration that would allow compliance with all applicable site development standards with the conditions;
5. The request for this Special Use is allowable within the RU-2 Zoning District;
6. Ten letters of support have been received as of the writing of this report.

### **Factors Against Allowing the Special Use**

1. Eight letters in opposition to the request have been received;
2. There are no RU-2 zoning districts directly abutting the boundaries of the subject parcel, therefore this is not an expansion of an existing zoning district.

## **IX. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends **Conditional Approval** of the Special Use request, subject to the following Conditions and Modification above:

1. Within 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. 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 application, 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. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. The final site plan shall demonstrate safe and efficient pedestrian access from the store entrance through the parking lot and to the east side of Mescal Road.

4. **Following the opening of the Dollar General the County will determine if a crosswalk is warranted on Mescal Road. If the warrants are met within 5 years of final inspection the applicant shall pay for the installation of a street light at the crosswalk location.**
5. A minimum three foot solid wall, berm, hedge or a combination shall be constructed along the south and western boundaries of the parking area to prevent headlight interference with the traveling public and adjacent residences.
6. Freestanding signage shall be limited to one monument sign with square footage not exceeding the Zoning Regulations.
7. Any roof mounted mechanical equipment shall be screened from public view, architecturally compatible with the building.
8. The mesquite bosque on the western edge of the property shall be protected to the greatest extent possible. There shall be perpetual maintenance of the vegetation, weeds and trash in this area.
9. A trash enclosure, a minimum of six feet in height and architecturally compatible to the building shall be provided for the dumpster(s).
10. **The wall and monument sign shall be externally illuminated and fully comply with the Outdoor Lighting and Sign Regulations.**
11. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.

Sample Motions:

*Mr. Chairman, I move to forward Docket Z-19-02 to the Board of Supervisors with a recommendation of conditional approval; and*

*Mr. Chairman, I move to approve Docket SU-19-05, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*