

# Cochise County Planning Commission

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Cochise County Complex  
Board of Supervisors' Hearing Room  
1415 W. Melody Lane, Building G  
Bisbee, Arizona 85603

## Regular Meeting

April 10, 2019

4:00 p.m.

## AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).
1. **APPROVAL OF THE PREVIOUS MONTH'S MINUTES**
4. **CALL TO THE PUBLIC** – Pursuant to A.R.S . § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on any issue within the Commission's jurisdiction. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
5. **ACTION**
6. **PUBLIC HEARING**
  1. Z-19-03 (Aunon - Stotts) The Applicants request a Rezoning to change the designation from R-36 to RU-4
  2. SU-19-03 (Foreman) The Applicant requests a Special Use Authorization to approve a Daycare Facility for up to 10 children.
  3. SU-19-04 (Unitit Towers)The Applicant requests a Special Use Authorization to approve a 199-foot tall, self-supporting wireless communications tower.
  4. Z-19-02 and SU-19-05 (Dollar General) The Applicant requests a Special Use Authorization to approve a 9,100 square foot Dollar General Store and a Rezoning Application to change the designation from RU-4 to RU-2.
7. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**
8. **CALL TO COMMISSIONERS ON RECENT MATTERS.**

9. **ADJOURNMENT**

**P&Z Agenda Template**

**1.**

**Meeting Date:** 04/10/2019

Approval of March 13, 2019 Minutes

**Submitted By:** Robert Kirschmann, Community Development

**Department:** Community Development

**Division:** Development Services

**Presentation:** No A/V Presentation

**NAME  
of PRESENTER:**

**TITLE  
of PRESENTER:**

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**Agenda Item Text:**

**APPROVAL OF THE PREVIOUS MONTH'S MINUTES**

**Background:**

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**Attachments**

Draft Minutes

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# DRAFT

## PROCEEDINGS OF THE COCHISE COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING HELD ON Wednesday, March 13, 2019

A regular board meeting of the Cochise County Planning and Zoning Commission was held on Wednesday, March 13, 2019 at 4:00 p.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

**Present:** Wayne Gregan, Vice Chair; Kim DePew, Member; Nathan Watkins, Member; Pat Edie, Member; Jim Martzke, Member; Carmen Miller, Member

**Absent:** Patrick Greene, Chairman; Gary Brauchla, Member

**Staff Present:** Daniel Coxworth, Development Services Director  
Peter Gardner, Planner II

Vice Chairman Gregan called the meeting to order at 4:00 p.m.

**ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION**

**PLEDGE OF ALLEGIANCE**

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

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1. **CALL TO ORDER**
2. **ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).
3. **APPROVAL OF THE PREVIOUS MONTH'S MINUTES**  
  
Mr. Watkins noted that the minutes reflected that he was in attendance but was not.
4. **CALL TO THE PUBLIC** – Pursuant to A.R.S . § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on any issue within the Commission's jurisdiction. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
5. **ACTION**

1. **SU-19-01 (Bechtel Bernadino) - A request for a 100 foot communications tower northeast of Douglas.**

Mr. Gardner presented a PowerPoint Presentation that is preserved in the file.

Mr. Steve Olsen, Applicant spoke to the application.

No other persons requested to speak on the item.

Motion by Member Jim Martzke, Second by Member Pat Edie

**Vote:** 6 - 0 Approved

2. **SU-19-02 (Bechtel Killion) - A request for a 199 foot communication tower south of Portal**

Mr. Gardner presented a PowerPoint presentation which is preserved in the file.

Mr. Steve Olsen, Applicant spoke to the application.

Mr. Tom Davidson spoke in opposition to the request.

Mr. Doug Grant spoke in opposition to the request.

Ms. Sherry Osgood spoke in opposition.

Ms. Juve McCuin spoke in opposition.

Mr. John Craig McCuin spoke in opposition.

Mr. Jesse Foreman spoke in opposition.

Ms. Elaina Foreman spoke in opposition.

Applicant Olsen spoke in reference to the public comments and requested that the item to be continued 60-90 days until they can investigate another nearby location.

Motion by Member Nathan Watkins, Second by Member Pat Edie The motion was made to table the item to a date uncertain

**Vote:** 6 - 0 Approved

7. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**
8. **CALL TO COMMISSIONERS ON RECENT MATTERS.**
9. **ADJOURNMENT**

Vice Chairman Gregan adjourned the meeting at 5:08PM.

APPROVED:

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Patrick Greene, Chairman

ATTEST:

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Daniel Coxworth, Development Services Director

**P&Z Agenda Template**

**6. 1.**

**Meeting Date:** 04/10/2019

Z-19-03 (Aunon-Stotts)

**Submitted By:** Robert Kirschmann, Community Development

**Department:** Community Development

**Division:** Development Services

**Presentation:** No A/V Presentation

**NAME** Peter Gardner

**of PRESENTER:**

**TITLE** Planner II

**of PRESENTER:**

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**Agenda Item Text:**

Z-19-03 (Aunon - Stotts) The Applicants request a Rezoning to change the designation from R-36 to RU-4

**Background:**

The Applicants are requesting a rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per four acres). The three subject parcels total 22.08 acres in size. The subject parcels, APN 401-17-206A, -206B, & -207A, are located on the south side of E. Turkey Trot Road north of Sunizona. The Applicants are Alexander Aunon and Greg Stotts.

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**Attachments**

Staff Memo

Application & Map

Public Input

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**Cochise County**  
**Community Development**  
 Planning, Zoning and Building Safety Division  
*Public Programs...Personal Service*  
 www.cochise.az.gov

**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Peter Gardner, Planner II  
**FOR:** Daniel Coxworth, AICP, Development Services Director  
**SUBJECT:** Docket Z-19-03 (Aunon -Stotts)  
**DATE:** April 4, 2019 for the April 10, 2019 Meeting

**APPLICATION FOR A REZONING**

The Applicants are requesting a rezoning from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per four acres). The three subject parcels total 22.08 acres in size.

The subject parcels, APN 401-17-206A, -206B, & -207A, are located on the south side of E. Turkey Trot Road north of Sunizona. The Applicants are Alexander Aunon and Greg Stotts.

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

Parcel Size: 22.08 acres  
 Current Zoning: R-36 (Residential; one dwelling per 36,000 square feet)  
 Proposed Zoning: RU-4 (Rural; one dwelling per 4 acres)  
 Growth Area: D – Rural Area  
 Plan Designation: Rural  
 Area Plan: None  
 Existing Uses: None  
 Proposed Uses: Single Family Residential

**Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	Non-Maintained Road /RU-4	E. Turkey Trot Road/Agriculture
South	R-36	Scattered Rural Residential
East	R-36	Scattered Rural Residential
West	R-36	Vacant

**Planning, Zoning and Building Safety**  
 1415 Melody Lane, Building E  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9278 fax  
 1-877-777-7958  
 planningandzoning@cochise.az.gov

**Highway and Floodplain**  
 1415 Melody Lane, Building F  
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 520-432-9300  
 520-432-9337 fax  
 1-800-752-3745  
 highway@cochise.az.gov  
 floodplain@cochise.az.gov

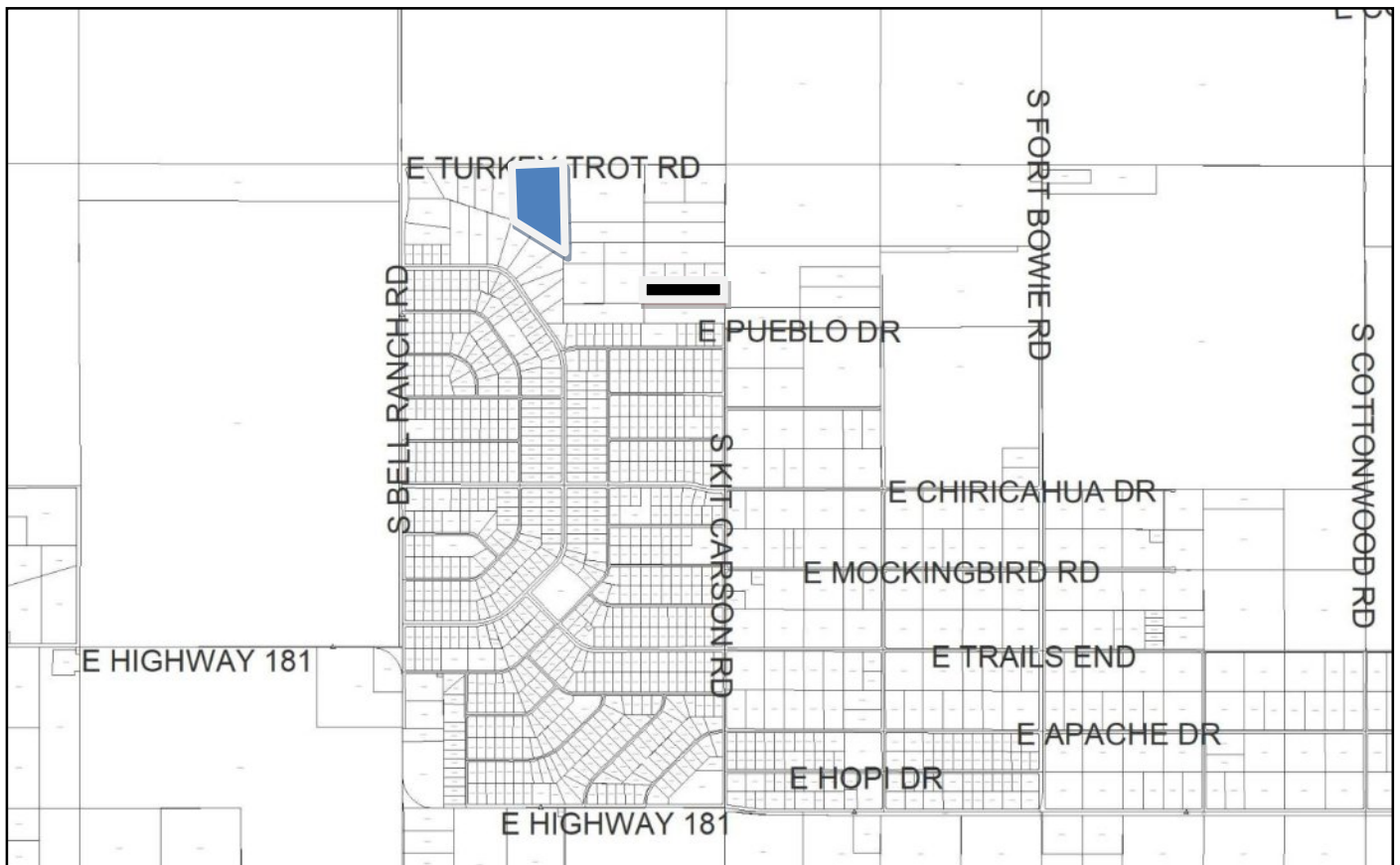
**II. PARCEL HISTORY**

None

**III. NATURE OF REQUEST**

The Applicants are requesting to amend the zoning of their parcels from R-36 to RU-4. This will preserve the open space and permit the use of the Owner-Builder Opt Out Amendment to the Cochise County Building Code.

The area is largely vacant and agricultural land. There are scattered rural residential uses to the south, with most homes on parcels larger than the required 36,000 square feet. North of E. Turkey Trot Road are scores of agricultural pivots, many owned by Riverview LLP, who plans to construct an additional dairy replacing several of them. A downzone to Rural zoning fits with the actual land uses in the area.



**Location Map**

Subject Parcel in Blue,  
Previous Rezoning in Black



#### **IV. 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 "D" Rural Area and is considered a "Rural" area per the Comprehensive Plan. RU-4 zoning is permitted in the Category "D," "Rural" areas and is the default zoning for the majority of the County, therefore this request to rezone to RU-4 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. Nine of the criteria are applicable to this request, and all of the nine applicable factors are met.

**1. Provides an Adequate Land Use/Concept Plan: Not Applicable**

The Applicants intend to continue to use the parcels for their personal, residential use. The proposal is intended to facilitate standard, rural home site development, but the parcel would be eligible for the full range of allowed Principal, Accessory, and Special Uses per Article 6 of the Zoning Regulations.

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

As noted above, the 22.08-acre site has a single home and is otherwise undeveloped. Downzoning to RU-4 would not negatively impact the ability of the parcels to be developed. The only site development standard that would become more stringent is the maximum density. The Applicant is aware of this, and has no plans to exceed the RU-4 density.

**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**

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

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

There is precedent for RU-4 zoning and Rural Residential development in the immediate area; there is currently RU-4 zoning across S. Kit Carson Road to the east, directly to the north across Turkey Trot, and to the southwest approved under a previous docket.

**6. Rezoning to More Intense Districts: Not Applicable**

As indicated, this request is for a downzoning, which in this case would reduce the permitted density by a factor of more than four.

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

The parcel and the existing road network all support the necessary infrastructure to develop the parcel under the guidelines for the RU-4 zoning designation.

**8. Traffic Circulation Criteria: Complies**

This rezoning request will not alter the layout or function of the existing roadway network and will not require right-of-way dedication or off-site improvements. Rezoning from R-36 to RU-4 would decrease the permitted density, with a corresponding decrease in potential traffic.

**9. Development Along Major Streets: Not Applicable**

This parcel does not take access off a Major roadway and is not served by roads within the County Maintenance system.

**10. Infill: Not Applicable**

This Factor applies only for rezoning requests to General Business, Light Industry or Heavy Industry.

**11. Unique Topographic Features: Not Applicable**

As this request is for a downzoning, this factor does not apply.

**12. Water Conservation: Complies**

As this proposed downzoning would reduce permitted maximum density, potential water usage could decrease.

**13. Public Input: Complies**

As a downzoning, the Applicant was not required to complete a Citizen Review. Staff mailed notices to neighboring property owners within one mile of the subject property on March 21, 2019. Staff posted the property on and published a legal notice in the *San Pedro Valley Sun News*. One response in support was received.

**14. Hazardous Materials: Not Applicable**

No hazardous materials are proposed.

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

The subject property lies within a Category "D"– Rural Area and is considered a "Rural" area per the Comprehensive Plan. This designation is intended to create neighborhoods with lots of two-acres or more. This request would comply by creating a minimum lot size of four-acres per dwelling.

**V. PUBLIC COMMENT**

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

**VI. SUMMARY AND CONCLUSION**

The request is for a downzoning, from R-36 (Residential; one dwelling per 36,000 square feet), to RU-4 (Rural; one dwelling per four acres) on a 22.08-acre site located on E. Turkey Trot Road. At this time, the area is characterized by open expanses, with all current development occurring on a Rural scale. The Comprehensive Plan designates the site as Rural. This designation constitutes a recommendation on the part of the Plan for a rezoning to a lower-density zoning district, providing a major Factor in Favor of Approval. A rezoning to the RU-4 district would therefore reflect the policies of the Plan, and would better reflect the existing character of the surrounding neighborhood.

**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 a low density of residential development in this area to protect the current character of the neighborhood, and the request would facilitate such a density; and
3. One letters of support has been received.

**Factors Against Approval**

None

**VII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per four acres) on a 10.02-acre parcel located on E. Turkey Trot Road 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 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.



**Cochise County**  
**Community Development**  
 Development Services  
*Public Programs...Personal Service*  
 www.cochise.az.gov

2-19-03

COCHISE COUNTY  
 MAR 13 2018  
 PLANNING

**REZONING APPLICATION**

401-17-206 Lot 40B For 3 lots  
 401-17-207 A

401-17-206 (LOT 40A)

1. Applicant's Name: ALEXANDER AVNON / GREG L. STOTTS  
P.O. BOX PEARCE, AZ 85625 / P.O. BOX 772, PEARCE, AZ 85625

2. Mailing Address: \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

3. Telephone Number of Applicant: (480) 516 8302 or (649) 201-3557

4. Telephone Number of Contact Person if Different: ( ) \_\_\_\_\_

5. Email Address: ALEXA@AVNON-ONCOMPANY.COM

6. Assessor's Tax Parcel Number: 401-17-206 B 401-17-206 A  
401-17-207 A  
 (Can be obtained from your County property tax statement)

7. Applicant is (check one):  
 ① Sole owner: yes  
 ② Joint Owner: \_\_\_\_\_ (See number 8)  
 ③ Designated Agent of Owner: \_\_\_\_\_  
 If not one of the above, explain interest in rezoning: \_\_\_\_\_

a. 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): \_\_\_\_\_

b. 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.

**Bisbee Office**  
 1415 Melody Lane, Building E  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9278 fax  
 1-877-777-7958  
 planningandzoning@cochise.az.gov

**Highway and Floodplain**  
 1415 Melody Lane, Building F  
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 520-432-9300  
 520-432-9337 fax  
 1-800-752-3745  
 highway@cochise.az.gov  
 floodplain@cochise.az.gov

8. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: ① ✓ ② ✓ ③ ✓
- Copy of title report: \_\_\_\_\_
- Copy of tax notice: \_\_\_\_\_
- Other, list: \_\_\_\_\_

9. Will approval of the rezoning result in more than one zoning district on any tax parcel?  
▪ Yes \_\_\_\_\_ No \_\_\_\_\_

10. 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.

11. Is more than one parcel contained within the area to be rezoned? Yes  
No \_\_\_\_\_  
▪ If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

12. Indicate existing Zoning District for Property: R-36

13. Indicate proposed Zoning District for Property: R U 4

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

14. Comprehensive Plan Category: \_\_\_\_\_ (A County planner can provide this information.)

15. 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.**

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

17. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: LIVESTOCK RAISING  
with eggs, turkeys & CORN, LIVESTOCK  
BARNs AND WEATHER BARRIERS FOR LIVESTOCK.

18. Are there any deed restrictions or private covenants in effect for this property?

- Yes \_\_\_\_\_ No \_\_\_\_\_
- 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)

19. Which streets or easements will be used for traffic entering and exiting the property?

E. TURKEY TROT RD.

20. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? NONE

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

21. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? NONE

22. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	φ	NONE.
Sewer/Septic	φ	NONE
Electricity	φ	NONE
Natural Gas	φ	NONE
Telephone	φ	NONE
Fire Protection	φ	NONE

23. 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).

Zoning to improve use of <sup>the</sup> "Valuable"  
Fertile Land with shallow water table  
for Agriculture And Livestock use year  
round. FOR OPT OUT DWELLING ZONING  
FOR BARN Build "without" a Residential/  
structure which R-36 does not permit.

24. AFFIDAVIT "SAME AS NEIGHBORS TO THE NORTH"

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: ALEXANDER ANNON / GREG STOTTS




Date: 3-10-19

## CONSENT SIGNATURE FORM

### OF PROPERTY OWNERS WITHIN THE PROPOSED ZONING DISTRICT

This form is to be completed if there is more than one property owner and more than one parcel within the proposed zoning district.

I, the undersigned owner of record of property which lies within the area of the proposed rezoning set forth in the attached application, do hereby consent to the proposed change of zoning district boundary or reclassification of the property(ies) sought for rezoning. I do hereby certify and declare that I was afforded an opportunity to read the full and complete application prior to affixing by signature hereon.

Parcel Number	Owner of Record, Printed Name & Address	Signature	Date
401-17-206	GREG L. STOTTS P.O. Box 772, PEARCE 85625		3/5/19
401-17-206	ALEXANDER ANON Lot 40B P.O. Box 586, Pearce AZ		3/10/19
401-17-207A	ALEXANDER ANON P.O. Box 586, PEARCE AZ 85625		3/10/19

(Attach separate pages if necessary)

## Rezoning Application Evaluation Criteria

Section 2208.03.B. of the Cochise County Zoning Regulations provides fifteen (15) rezoning evaluation factors with which to measure and analyze the appropriateness of the proposed rezoning. An analysis of how the Project addresses these evaluation factors is required for staff report to the Commission and Board. The Rezoning application must provide sufficient information for staff to make this analysis.

### Rezoning Evaluation Factors:

1. **Application.**The Application Site Plan must provide sufficient information to determine that the proposed size and layout would comply with the applicable uses and standards for the types and intensity of uses permitted in the requested zoning district.
2. **Compliance with Site Development Standards.** Each parcel must meet the site development standards of the proposed zoning district including minimum lot size, setbacks, lot coverage, driveway width, parking and ADA-access requirements. The rezoning Concept Site Plan should show how these standards would be met.
3. **Adjacent Districts Remain Capable of Development.** Adjacent parcels should be able to meet minimum lot size and development standards of the remaining zoning district.
4. **Limitation on Creation of Nonconforming Uses.** The subject property should contain no structures or uses that would not be permitted or would not meet development standards of the new district.
5. **Compatibility With Existing Development.** The proposed rezoning district should be compatible with existing development in the vicinity.
6. **Rezonings To More Intense Districts.** The proposed new district should:
  - Be buffered by an intermediate district of sufficient size to provide a reasonable transition of intensity from the existing area (as a guide, a reasonable transition is considered to be a difference of intensity or density of two levels as described in Section 2208.02);
  - Be a reasonable extension of a similar density district within the area; and
  - Provide a transition between an existing less intense district and a more intensive district or an arterial street; or
  - Provide adequate protection to the adjacent less intense development in the form of enhanced screening, landscaping, setbacks, large lot size, building orientation or other design measures.
7. **Adequate Services and Infrastructure.** The following factors are used to determine if there are adequate services and infrastructure to serve an intensification of zoning:
  - (a) For a rezoning to a more intensive district, the applicant has provided adequate information to evaluate the impacts of the rezoning 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 volumes as part of the application.
  - (b) 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, the applicant has proposed a method to address these problems.

(c) The proposed development meets or will meet the applicable requirements for street, sewer, or water improvements.

(d) 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.

#### 8. Traffic Circulation Criteria.

(a) Any rezoning shall be consistent with preservation of the functions of surrounding streets as defined in Section 102.B.3 (a through g) of the Comprehensive Plan. [see page 11 of the Comp Plan]

(b) If the rezoning is to GB, LI or HI, the development shall not result in the use of any residential street for through traffic to and from the proposed district.

(c) 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.

9. Development Along Major Streets. The rezoning size [the size of the land area to be rezoned] 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.

10. Infill. If rezoning to GB, LI or HI, the site is in an existing Enterprise or Enterprise Redevelopment plan designation area. This factor is designed to encourage infill in areas where commercial and industrial development already exists, thereby discouraging sprawl and locating new non-residential developments where adequate infrastructure may already exist and where they are most likely to be compatible with existing uses.

11. Unique Topographic Features. A rezoning to a more intensive zoning district shall not take place if there are areas of unstable soils, steep slopes, severe washes, floodplains, etc. which are not appropriate for intense development. Rezonings encompassing such areas will be discouraged unless the developer carefully plans development around these areas, such that they are appropriately protected.

12. Water Conservation. Uses proposed with the rezoning involving Master Development Plans shall show compliance with the water conservation policies of Section 102E in the Comprehensive Plan and the approved Master Development Plan. Other rezonings shall show compliance at the time of building permit issuance.

13. Public Input. If there is a major public opposition to a proposed rezoning, this may indicate that the technical evaluation regarding compatibility of the proposed district 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.

14. Hazardous Materials. Adequate data has been submitted to determine that impacts from uses that may involve hazardous or dangerous materials are adequately mitigated.

15. Compliance with Applicable Area Plan, Master Development Plan or Comprehensive Plan Policies. The proposed uses and design are in substantial conformance with adopted area plan, master development plan or comprehensive plan land use designations and policies.

2017-12075  
Page 1 of 1  
Requested by: Greg Stotts  
David W. Stevens - Recorder  
Cochise County, AZ  
04-19-2017 12:30 PM Recording Fee \$15.00

RECORDING REQUESTED BY  
AND WHEN RECORDING MAIL TO:

Greg Stotts  
2009 Powell Drive  
El Cajon, CA 92020

SPACE ABOVE THIS LINE FOR RECORDER'S USE

WARRANTY DEED

For the consideration of ten dollars, and other valuable considerations, I or we,

DIDI FREIMAN, AN UNMARRIED MAN

Do/Does hereby convey to:

GREG STOTTS, A SINGLE MAN.

The following real estate property situated in COCHISE County ARIZONA:

APN 401-17-206 LOT 40 BLOCK 24, SUNIZONA ACRES # 3

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, right of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record. And I or we do warrant the title against all persons whatsoever, subject to the matters set forth above.

SELLER: Didi Freiman

6-13-17

Date

Didi Freiman

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA COUNTY OF SAN DIEGO

On 6-13-17

(Date)

before me, Taryn Zimmer

(Name and title of the officer)

A Notary Public

personally appeared Didi Freiman

(Name of person signing)

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal

Signature of Officer



RECORDING REQUESTED BY

AND WHEN RECORDING MAIL TO:

ALEXANDER AUNON

PO BOX 586

PEARCE, AZ 85625

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### WARRANTY DEED

For the consideration of ten dollars, and other considerations, I or we,

GREG STOTTS, A SINGLE MAN

Do/Does hereby convey to:

ALEXANDER AUNON, A SINGLE MAN

The following real estate property situated in COCHISE County ARIZONA:

PARCEL B

LOT 40, BLOCK 24, "SUNIZONA ACRES #3" AS RECORDED IN BOOK 4 OF PLATS, PAGE 64, RECORDS OF COCHISE COUNTY, ARIZONA

EXCEPT THE NORTH 427.00 FEET.

CONTAINING 5.32 ACRES

SUBJECT TO: Current taxes and other assessments, reservations in patents and all easements, right of way, encumbrances, liens, covenants, conditions, restrictions, obligations, and liabilities as may appear of record. And I or we do warrant the title against all persons whomever, subject to the matters set forth above.

SELLER: GREG STOTTS

2/2/2019

Date

Greg Stotts

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

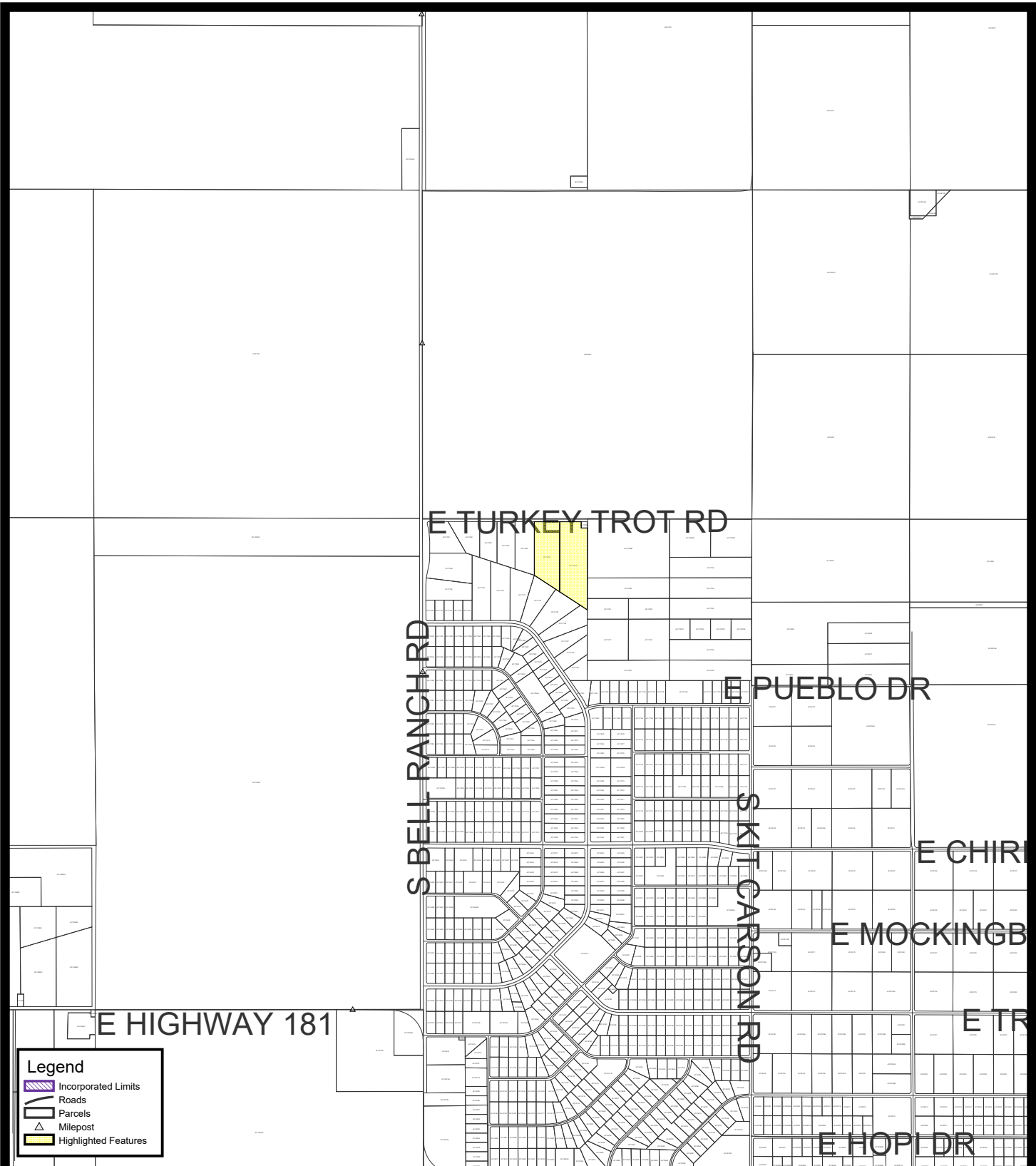
STATE OF: ARIZONA. COUNTY OF COCHISE

On: 2/2/2019 before me, Jacalyn Kay Sanders, Notary Public,

Personally appeared Greg Stotts, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the written instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of Arizona that the foregoing paragraph is true and correct. WITNESS my hand and official seal.

Signature: JACALYN KAY SANDERS  
NOTARY PUBLIC - ARIZONA  
Cochise County  
My Commission Expires February 18, 2021

JACALYN KAY SANDERS  
NOTARY PUBLIC - ARIZONA  
Cochise County  
My Commission Expires





**Legend**

- Incorporated Limits
- Roads
- Parcels
- Milepost
- Highlighted Features



Z-19-03

This map is a product of the Cochise County GIS Information Technology Dept.

Rezoning Docket Z-19-03 (Aunon – Stotts)

1 YES, I SUPPORT THIS REQUEST

Please state your reasons:

If someone is interested in purchasing ANY of this land then I encourage them. Rezoning might help

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional sheets, if necessary)

PRINT NAME(S): JOYCE LYNDIA BILLINGSLEY,

SIGNATURE(S): Joyce Lynda Billingsley

YOUR TAX PARCEL NUMBER: 40117178 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence 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 no later than 5 PM on Wednesday, April 3, 2019 to be included in the staff report to the Commission, and by Thursday, April 11, 2019 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at [pgardner@cochise.az.gov](mailto:pgardner@cochise.az.gov). Comments received after the April 27 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on April 10, 2019 for the Planning and Zoning Commission and April 23, 2019 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

**P&Z Agenda Template**

**6. 2.**

**Meeting Date:** 04/10/2019

SU-19-03 (Foreman)

**Submitted By:** Robert Kirschmann, Community Development

**Department:** Community Development

**Presentation:** No A/V Presentation

**NAME** Robert Kirschmann  
**of PRESENTER:**

**TITLE** Planner II  
**of PRESENTER:**

---

**Agenda Item Text:**

SU-19-03 (Foreman) The Applicant requests a Special Use Authorization to approve a Daycare Facility for up to 10 children.

**Background:**

The Applicant requests a Special Use Authorization to approve a Daycare Facility for up to 10 children. The .41 acre site, 124-15-653, is located 3154 W. Cactus Blossom Drive and is zoned MH-72 (MR-2). In a multiple-household residential district, Daycare Facilities fees require Special Use Authorization. The Applicant is Louisa Foreman.

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**Attachments**

Staff Report

Application, Site Plan and Maps

Public Comments

Agency Comments

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

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

**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Robert Kirschmann, Planner II  
**FOR:** Daniel Coxworth, AICP, Development Director  
**SUBJECT:** Docket SU-19-03 (Foreman)  
**DATE:** April 1, 2019 for the April 10, 2019 Meeting

**APPLICATION FOR A SPECIAL USE AUTHORIZATION**

The Applicant requests a Special Use Authorization to approve a Daycare Facility for up to 10 children. The .41 acre site, 124-15-653, is located 3154 W. Cactus Blossom Drive and is zoned MH-72 (MR-2). In a multiple-household residential district, Daycare Facilities feet require Special Use Authorization. The Applicant is Louisa Foreman.

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

Parcel Size: .41 acres (17,654 square feet)  
 Zoning: MH-72 (MR-2) (Multi-Residential; one dwelling per 7,200 square feet)  
 Growth Area: Category C-Neighborhood Conservation  
 Comprehensive Plan Designation: Neighborhood Conservation  
 Area Plan: None  
 Existing Uses: Residential home  
 Proposed Uses: Same, with Day Care Facility, up to ten children

**Zoning/Use of Surrounding Properties**

<b>Relation to Subject Parcel</b>	<b>Zoning District</b>	<b>Use of Property</b>
North	RU-4	Vacant subdivided land
South	County Maintained, Cactus Blossom Dr. MH-72	Vacant subdivided land and scattered homes
East	MH-72	Vacant subdivided land and scattered homes
West	MH-72	Vacant subdivided land and scattered homes

**Planning, Zoning and Building Safety**  
 1415 Melody Lane, Building E  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9278 fax  
 1-877-777-7958  
 planningandzoning@cochise.az.gov

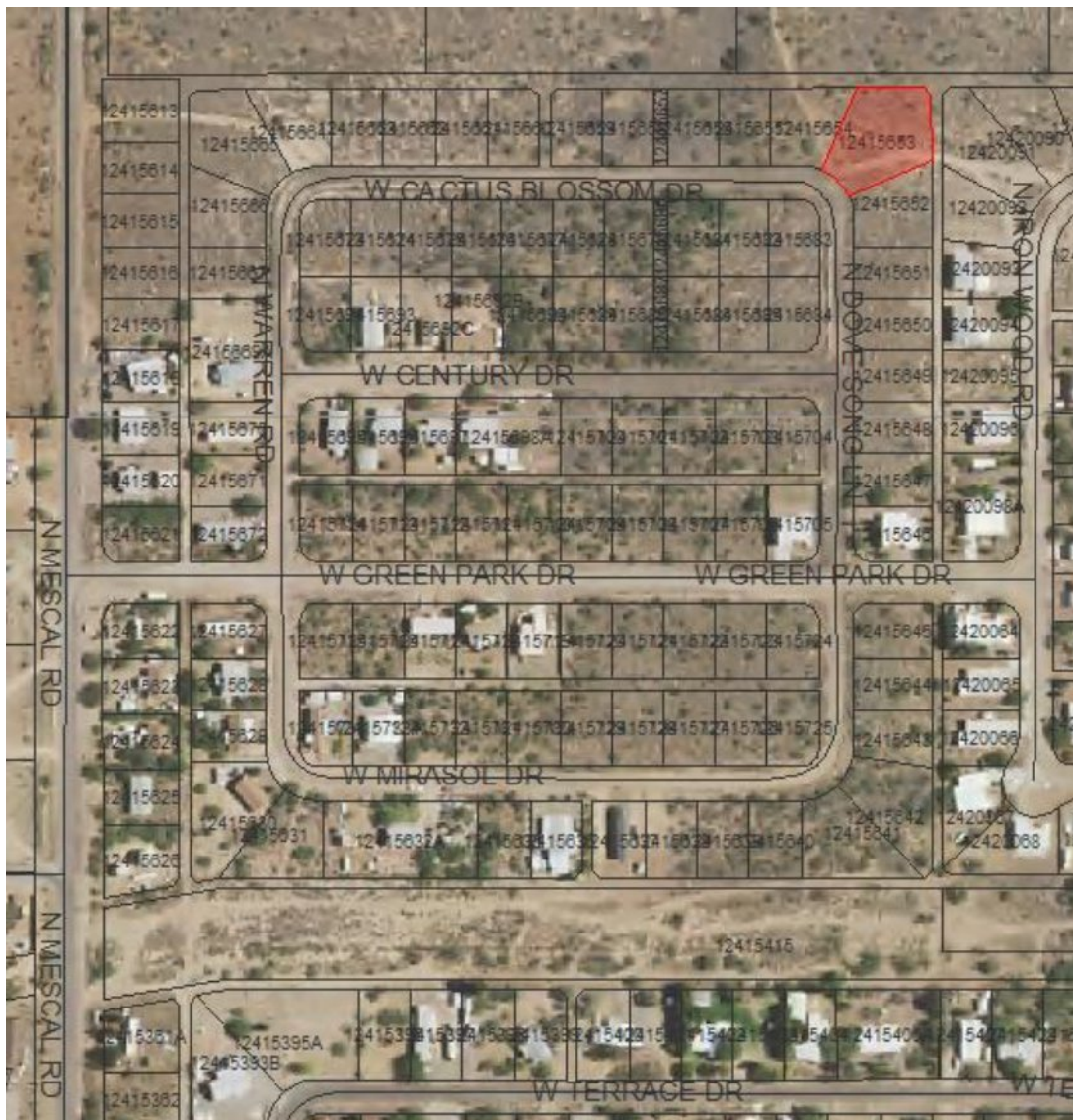
**Highway and Floodplain**  
 1415 Melody Lane, Building F  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9337 fax  
 1-800-752-3745  
 highway@cochise.az.gov  
 floodplain@cochise.az.gov



#### **IV. 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.

With the information provided, nine of the ten factors apply to this request. The project as submitted, complies with eight of those nine factors. With the recommended Conditions and Modifications, the other factor is met.



*Aerial view of the site.*

##### **A. Compliance with Duly Adopted Plans: Complies**

The project site is located in an area designated "Neighborhood Conservation" in the Comprehensive Plan. This use will not change the overall character of the site, while providing a necessary service to the

neighborhood. The Strategic and Comprehensive Plans both support economic development which are served both directly and indirectly by permitting parents to work. These plans also support creating healthy, safe communities, and this will provide a safe place for children in addition to the opportunities created for parents.

### **B. Compliance with the Zoning District Purpose Statement: Complies**

The purpose statement in Article 10 states "To allow only those additional uses that are complementary to higher density residential uses. A daycare is complimentary as it provides a place for working parents to have a safe place for their children to go while they are working. It is also listed as a Special Use. Typically, small childcare services provided in a home, rather than a school or community center setting, is considered "neighborhood serving" and compatible with residential neighborhoods such as Mescal.



*The home.*

### **C. Development along Major Streets: Complies**

The proposed use would not result in the creation of any additional access points to an arterial road or major thoroughfare. The use will use the existing County maintained roads within the subdivision. The applicant will be required to legitimize and improve the driveway to the County Engineer standards.

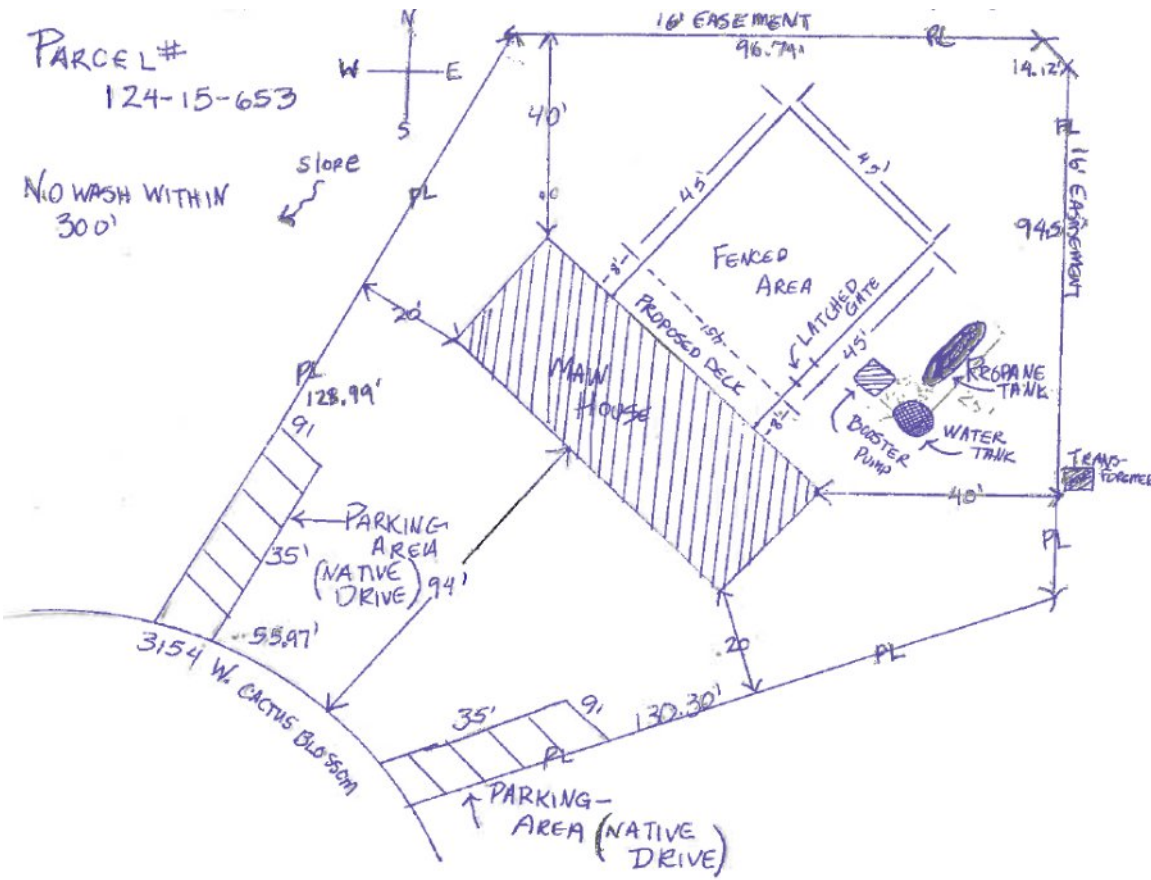
### **D. Traffic Circulation Factors: Complies**

The proposed use will increase traffic on area roads including Cactus Blossom Drive, Dove Song Lane, Warren Road and Green Park Drive. However, as listed above there are at least two routes vehicles could take which will help disperse the traffic. This type of use typically serves the surrounding neighborhoods. Therefore, some of the traffic to the location could be generated from within the area itself. These type of uses are common within residential neighborhoods such as this. Finally, the roads are all dedicated to and maintained by Cochise County.



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

The site is accessed from Cactus Blossom Drive. This road, and all roads leading to the site are County Maintained dirt roads. The Applicant will need to provide a defined driveway to the satisfaction of the County Engineer. Electric, water and propane are already located on the site.



**F. Significant Site Development Standards: Complies with Modifications**

Based on the nature of the use, which is akin to an accessory residential use rather than a true commercial use, Staff recommends the site be treated as a residential site for all site development standards.

**G. Public Input: Complies**

The Applicant mailed letters to property owners within 1,000 of the property prior to application submittal. The Planning Department mailed letters to neighboring property owners within 1,000-feet of the subject property, published a legal ad in the *San Pedro Valley News-Sun* and posted legal notices on the property. To date, staff has received two letters in opposition and two in support. Neighboring property owners have noted concern for increased traffic on the dirt roads and have suggested an alternative route. Unfortunately, the route suggested trespasses on two properties and has no legal easements. The roads in the



subdivision are dedicated to and maintained by the County.

#### **H. Hazardous Materials: Does Not Apply**

The Applicant states that no hazardous materials will be used or stored on site.

#### **I. Off-Site Impacts: Complies**

The only offsite impacts would be the potential increase in traffic as discussed above.

#### **J. Water Conservation: Complies**

The project site is not located within the Sierra Vista Sub-Watershed, and no new construction is proposed. Additional water usage will be minimal.

### **V. PUBLIC COMMENT**

The Applicant mailed letters to property owners within 1,000-feet of the property prior to application submittal. The Planning Department mailed letters to neighboring property owners within 1,000-feet of the subject property, published a legal ad in the *San Pedro Valley News-Sun* and posted legal notices on the property. To date, staff has received two letters in opposition and two in support. Neighboring property owners have noted concern for increased traffic on the dirt roads and have suggested an alternative route. Unfortunately, the route suggested trespasses on two properties and has no legal easements. The roads in the subdivision are dedicated to and maintained by the County.

### **VI. WAIVERS/MODIFICATIONS**

Staff recommends that for all standards the site be deemed residential in nature.

### **VI. SUMMARY AND CONCLUSION**

The Applicant requests Special Use approval to establish a Day Care Facility in an existing residence for up to ten children.

This department must weigh multiple, sometimes competing interests when reviewing requests. In this case, we must consider Public Health and Economic Development which are served by creating additional safe child care opportunities, permitting more individuals to work while guaranteeing safe situations for their children.

We must also consider the impact that this will have on the surrounding neighborhood. We must note that this is not a Commercial request as many people would understand it, and the impact to the area roads is not on par with a new retail store or restaurant. Both the Special Use Authorization and the DHS regulations cap the number of children in the home at ten, placing a firm limit on traffic generation. Therefore, staff believes that based on the nature and scope of the proposal that the use is compatible with neighborhood.

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

1. The use complies with the Comprehensive Plan and Zoning District purpose statement;
2. With the requested Modifications, the request complies with all of the nine applicable Special Use factors;
3. Although commercial in nature, the use would be low-impact, and in overall harmony with surrounding residential development; and
4. Staff has received one letter of support of the request.

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

1. Staff has received two letters in opposition to the request.

### **VII. RECOMMENDATION**

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

1. The Applicant shall provide the County 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 properties within thirty (30) days of approval of the Special Use Permit. Prior to permit issuance, the Applicant shall submit and obtain building/use permits within 12 months of approval, including a completed joint permit application. The building/use permit(s) shall include a site plan in conformance with this approval and meeting all site development standards (except those specifically waived or modified by the Planning Commission as part of this approval), the completed Special Use Permit questionnaire, and appropriate fees. A permit must be issued within 18 months of approval, otherwise the approval 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 additional conditions, if any, that may be applicable to the proposed activities pursuant to other federal, state, or local laws or regulations;
3. The Applicant will provide a defined driveway to the satisfaction of the County Engineer.
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 move to approve Special Use Docket SU-19-03, with the Conditions of Approval and Modifications recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

Print Form

5-19-03  
(Foreman)

## Special Use Project Application

### Applicant's Certification & Acknowledgement

By signing below, I certify that:

1. I am the Owner or authorized Agent of the Owner of the property being developed.
2. I am applying for the meetings/ review(s) indicated below.
3. I have read and understand the information provided in this Application Guide.
4. This application is complete and accurate to the best of my knowledge. Submission of false information may constitute fraud, and may be punishable by fine, imprisonment, or both pursuant to A.R.S. §13-2310.
5. I hereby request all inspections necessary to process this application, and if the permit is issued I request all inspections necessary to monitor progress, and document completion, at all stages of the work related to this permit.

By signing below, I acknowledge that:

6. Incomplete or inaccurate submittals by the Owner, Applicant or any other representative may result in delays, return of submittals, or denial of this application.
7. The submittal is subject to an administrative review of 10-business days (5-business days initial review, 5-business days resubmittal review) at which time I will receive written or electronic notice if the application is complete or, in the case of an incomplete application, a list of deficiencies that need to be corrected. An application will not pass the review for administrative completeness until all deficiencies have been corrected.
8. If the County does not issue a written or electronic notice of administrative completeness within the 10-business days, the application will be deemed administratively complete and the substantive review process begins.
9. The overall review time is 130-business days.
10. The substantive review process is 120-business days.

By signing below, I acknowledge that:

11. A complete response to any correspondence will be submitted to Cochise County for any subsequent reviews.
12. The Applicant or Agent will be sent written or electronic notice of a license approval or denial within the substantive review period.
13. All required permits must be obtained prior to any construction and that failure to obtain permits may result in fines or other penalties.
14. The Applicant or Agent is responsible for all changes and additional time required to correct plans and/or development as a result of differences between the proposed use and what is permitted in the zoning district in which the property lies.
15. The project review process and timeframe is suspended when a project triggers the requirement for an application for approval by an Outside Agency, the Planning and Zoning Commission, and/or the Board of Supervisors. If either the Planning and Zoning Commission or the Board of Supervisors approves the request contained in the application, then Community Development Department will resume the project review process. If the Board of Supervisors denies the request, then the Community Development Department will consider the project to be denied.

By signing below, I acknowledge that:

16. An appeal protesting any denial of an application may be made to Cochise County Community Development Department, Planning Division Deputy Director, Beverly Wilson, 1415 Melody Lane, Bldg. E. Bisbee, Arizona 85603. The appeal shall set forth all relevant facts pertaining to the denial, and must be in writing. It must be filed within ten-days from the date of the denial letter.
17. If the County does not issue to the Applicant the written or electronic notice granting or denying a license within the **overall** time frame or within the mutually agreed upon time frame extension, the county SHALL refund the Applicant all fees charged for reviewing the applications and SHALL excuse any fees not yet paid. The refund SHALL be made within 30-working days after the expiration of the agreed upon time frame pursuant A.R.S. § 11-1605(J).

*Louisa Foreman* 2/28/19

Signature

Date

Louisa Foreman

Print Name/Firm

Owner  Agent



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs... Personal Service"

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

TAX PARCEL NUMBER

APPLICANT

ADDRESS

CONTACT TELEPHONE NUMBER

EMAIL ADDRESS:

PROPERTY OWNER (IF OTHER THAN APPLICANT)

ADDRESS

DATE SUBMITTED

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

### PART ONE - REQUIRED SUBMITTALS

1. Cochise County Joint Application (attached).
  2. Questionnaire with all questions completely answered (attached).
  3. A minimum of  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  copies will be required for projects occurring inside the Uniform 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.
- 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.)

6. 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? Residential
2. What is the proposed use or improvement? Day Care Facility
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? Full-time childcare,  
on weekdays. Daily traffic on weekdays.
4. Describe all intermediate and final products/services that will be produced/offered/sold.  
Quality-Full-time childcare on weekdays

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)

Manufactured

6. Will the project be constructed/completed within one year or phased? One Year  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:  Hours (from  AM to  PM)

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.  
5-10 cars entering and leaving per day - 5 days/week

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

(3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?  
Green Park, Warren, Cactus Blossom Drive - N. Mesquite Road

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

(5) At what time of day, day of week and season (if applicable) is traffic the heavies  
Heaviest traffic will occur: early am and late afternoon/early evening

Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

D. Estimated total gallons of water used: per day  per year

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.

G. 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. 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.

H. For Special Uses only - provide deed restrictions that apply to this parcel if any.  
Attached  NA

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Navio	
Sewer/Septic	Stambaugh Septic	
Electricity	SSVEC	
Natural Gas	?	
Telephone	?	
Fire Protection	Mescal Fire Dept.	

**SECTION B - Outdoors Activities/Off-site Impacts**

1. Describe any activities that will occur outdoors.

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.  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  NA

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)

None - native Drive

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.

2. How many acres will be cleared?

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**

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes  No  If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

**Note:** Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

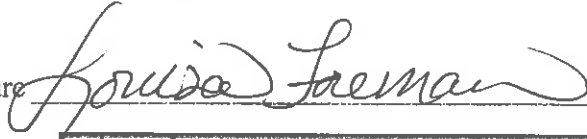
If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

**Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality 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



Print Applicant's Name

Louisa Foreman

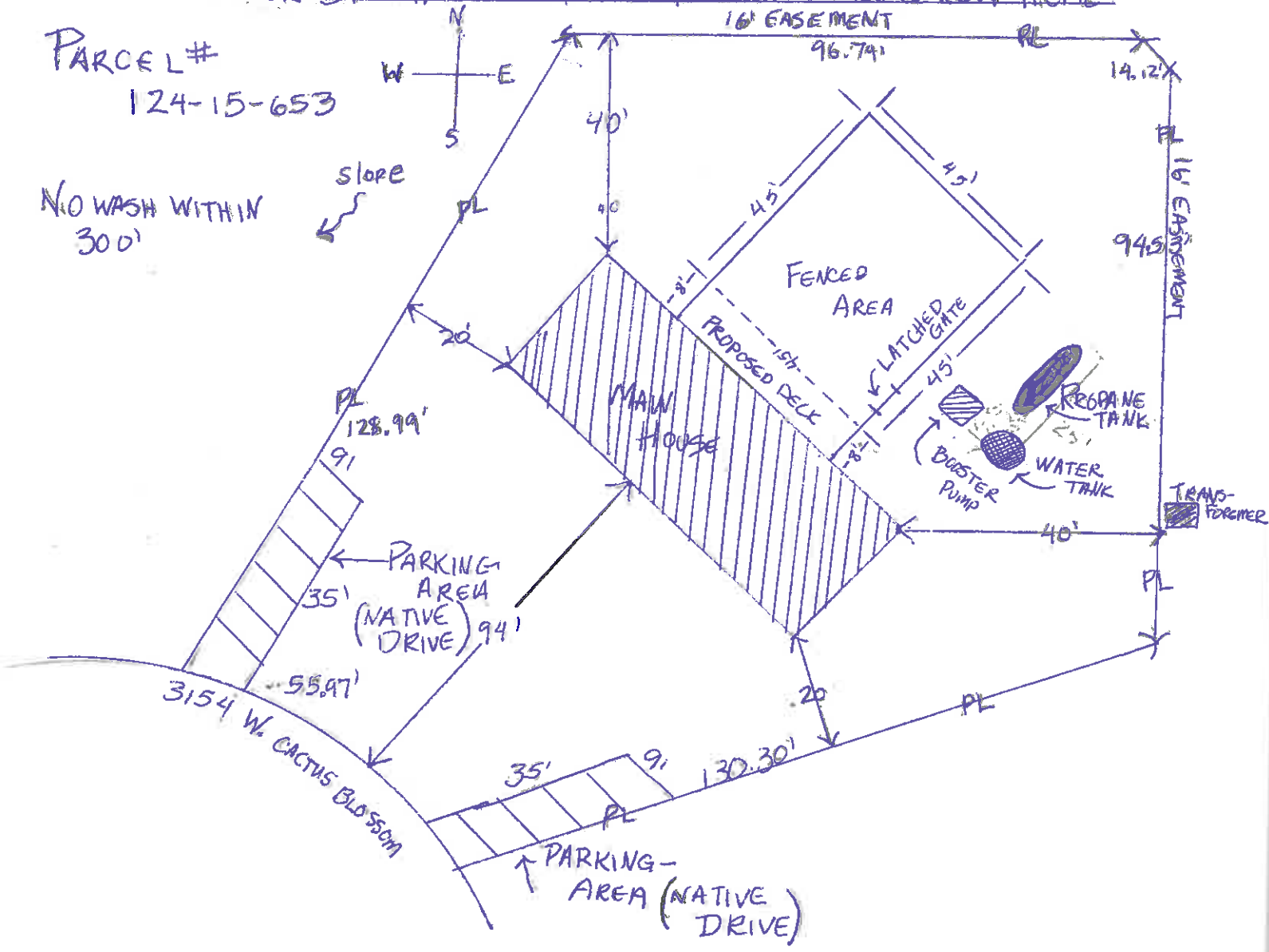
Date signed

2/28/2019

FOR SPECIAL USE PERMIT: CHILD CARE GROUP HOME

PARCEL #  
124-15-653

NO WASH WITHIN  
300'



# Special Use Docket SU-19-03 (Foreman)

**YES, I SUPPORT THIS REQUEST**

Please state your reasons:

THIS REQUEST WOULD HAVE NO NEGATIVE EFFECT ON THE COMMUNITY. SMALL FOOTPRINT AND SMALL FACILITY. IT WOULD BE A SERVICE FOR LOCAL FAMILIES WHO NOW HAVE TO TRAVEL A DISTANCE FOR DAYCARE SERVICES. THIS SHOULD BE APPROVED.

**NO, I DO NOT SUPPORT THIS REQUEST:**

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): RONALD H. VAN LOAN

SIGNATURE(S): Ronald H. Van Loan

YOUR TAX PARCEL NUMBER: 12420093  
12420092 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence 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 no later than 4 PM on Monday April 1, 2019 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still send email comments, or phone Robert Kirschmann at the contact information listed on page one by April 09, 2019 to have your support or non-support noted verbally noted at the meeting; or you may personally make a statement at the **public hearing on April 10, 2019**. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

Hi Louisa,

I have no objection and will respond to the County accordingly.

I own 22 or so lots in this immediate area (some in my name and some in my profit sharing plan's name which is Canyon State Equity, Inc., PSP) and would like to sell them all, at a very low price! Years ago I bought them from a home builder who was moving out of state. I wanted to continue building and selling, basically just what the previous owner did...but my plans changed, and the real estate market crashed in 2008 or so, so there was little demand. Now the market has improved. If you know anyone who would be interested, please forward this e-mail to them. This could be mutually beneficial for us both. Are there a lot of families with young children in the area now?

Take care and good luck!

Alan Day  
928-910-3956

**From:** [Billie Jane Mc Inerney](mailto:Billie.Jane.McInerney@cochise.gov)  
**To:** [Kirschmann, Robert](mailto:Robert.Kirschmann@cochise.gov)  
**Subject:** Docket Su-19-03 (Forman)  
**Date:** Wednesday, March 27, 2019 1:57:48 PM

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To Robert Kirshcman,  
[rkirschmann@cochise.az.gov](mailto:rkirschmann@cochise.az.gov).  
Cochise County Community Development  
Planning, Zoning and Building Safety Division  
Bisbee, Arizona 85603  
27 Mar 2019

Subject: Docket SU-19-03 (Forman)

Dear Mr. Kirshcman,

Thank you for sending the letter regarding the request for Special Use Authorization to approve a Daycare Facility located at 3154 W. Cactus Blossom Drive, Benson, AZ

First: I have a concern as to traffic that will be going and leaving this daycare business. As you may know Green Park is an unimproved road and is alternately dry and dusty or wet and muddy and is hard enough to live with as it is with local traffic. So would like to see an alternate road to serve this daycare business.

Second: This is a residential area so what if this business goes in will that in any way change our area from residential to say Business.?

Thank you again for the contact

Billie Jane McInerney  
649 N Ironwood Rd  
Benson, AZ 85602  
[janemacmc@gmail.com](mailto:janemacmc@gmail.com)  
1-928-581-2658

**From:** [Clarence Wyland](#)  
**To:** [Kirschmann, Robert](#)  
**Cc:** [clarence\\_wyland](#)  
**Subject:** Docket SU-19-03 (Forman)  
**Date:** Tuesday, March 26, 2019 1:58:58 PM

---

Dear Mr. Kirschmann, (Ph: 520-432-9248 ) [rkirschmann@cochise.az.gov](mailto:rkirschmann@cochise.az.gov)

Thank you for sending the letter regarding the notice regarding the request for *special use* request.

I have a couple concerns, and wanted make you aware as I will not be able to attend the meeting.

The amount of traffic generated ( *to the residence, then back out in the AM, and then again in the PM* ) by 10 separate children being brought to/from the residence for day care.

That amounts to 40 trips past my home on a dirt street. If the streets were paved it would be much easier to deal with.

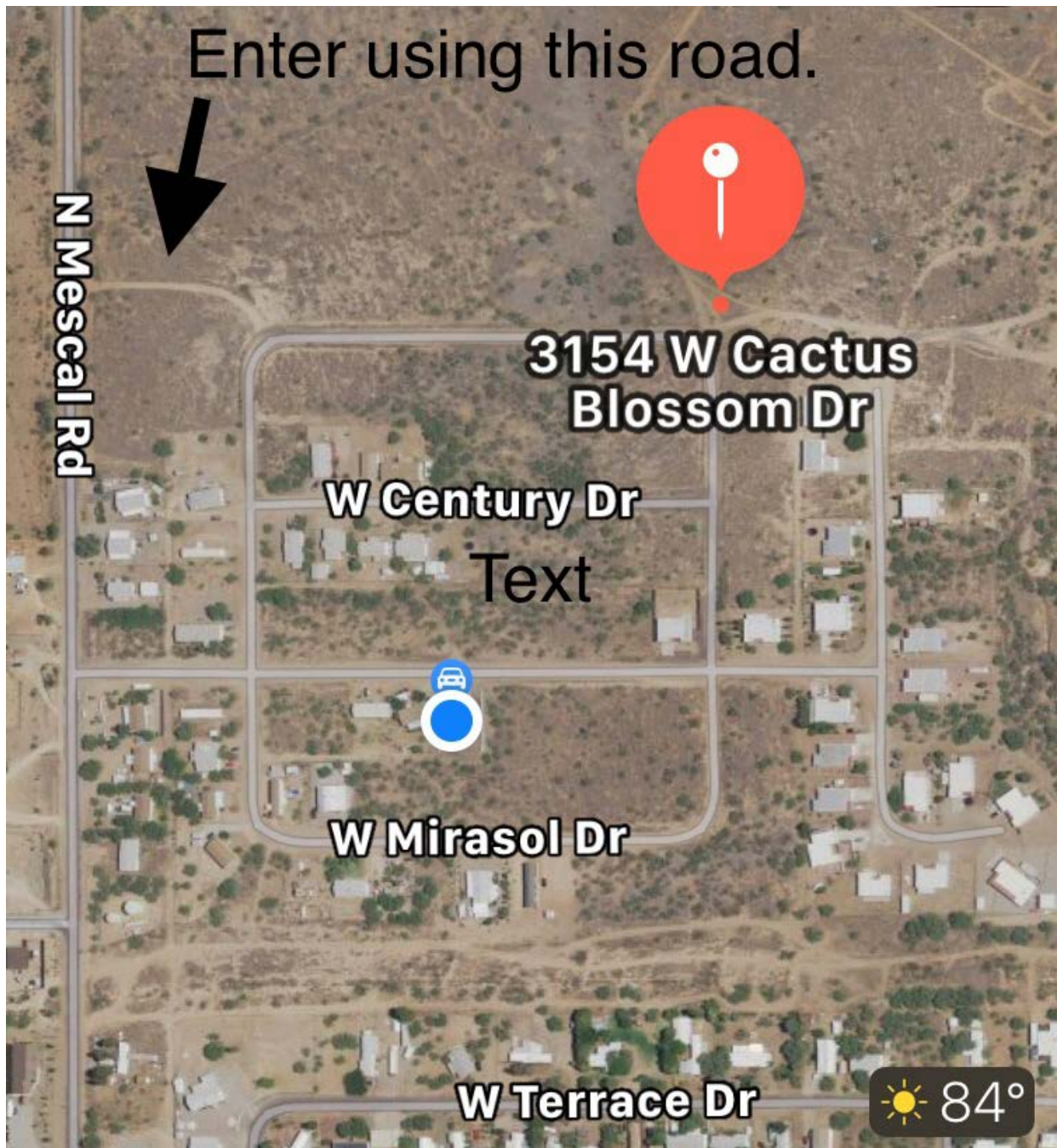
I am not saying that none residents will not adhere to the speed limit, but the roadway is a mess most of the time now, I can only imagine what a disaster it will become with the additional traffic.

The notice mentions that the residence is in a multi-household residential district.

The Mescal Lakes III subdivision covenants specify no businesses allowed. (*It also specifies: no trailers, trucks, tractors, no more than 2 dogs, etc...*) all of which is ignored.

If Ms. Forman would guarantee that her customers to exit Mescal Rd onto the light duty road to the north of the subdivision, and continue on W. Cactus Blossom Dr. and the exit the same way, I would be satisfied.

I think the bulk of the home owners in the neighbor hood feel similar, but I don't expect many to say anything.



Thanks,

Clarence Wyland  
3173 Green Park Dr.  
Benson, AZ. 85602  
Mbl # 330-289-2043

DECLARATION OF RESTRICTIONS

MESCAL LAKES UNIT III

KNOW ALL MEN BY THESE PRESENTS:

That Minnesota Title Company of Arizona, an Arizona corporation, as Trustee, being the owner of all the following described premises situated in the County of Cochise, State of Arizona, to wit:

Lots three hundred fifty-two (352) through seven hundred fourteen (714) inclusive MESCAL LAKES UNIT III, according to Plat of Record in the office of the County Recorder of Cochise County, Arizona, in Book 8 of Maps, Page 36 thereof:

In desiring to establish the nature of use and enjoyment thereof, does hereby declare said premises subject to the following expressed terms, conditions and stipulations as in the use and enjoyment thereof.

This declaration hereby establishes the plan for the individual ownership of real property estates, consisting of a lot and the improvements contained thereon. Said restrictions establishes and imposes the General Plan for the improvement and development of said property described herein, and the adoption and establishment of covenants, conditions and restrictions upon said land, and upon any and all units constructed or to be constructed thereon, and upon the use, occupancy and enjoyment thereof.

A committee consisting of the Officers of Mescal Development Company shall approve all buildings and/or mobile homes prior to construction or placement on a lot. Said committee shall exercise this approval until 75% of the lots in this unit are sold, at which time approval will revert to a committee elected by the property owners association for the owners of record of lots in MESCAL LAKES.

1. Lots numbered three hundred fifty-two (352) through seven hundred fourteen (714) shall be designated as Mobile Home Lots.

- a. All utility or storage buildings must be placed on the rear half of any lot.
- b. No mobile home shall be placed upon any lot unless and until a porch slab of the minimum dimension of ten feet (10') by forty feet (40') shall have been provided for such mobile home, and such mobile home shall be completely skirted on both sides and ends.
- c. No mobile home shall be placed upon any lot until approved in writing by the committee herein provided for as to condition, age and appearance. Any such mobile home shall have a complete sanitary facility, including but not limited to toilet, wash basin, tub or shower, kitchen sink, which sanitary facilities shall be connected to sewage facilities in accordance with the regulations of the Cochise County Health Department.

STATE OF ARIZONA }  
COUNTY OF COCHISE } SS  
WITNESS MY HAND AND OFFICIAL SEAL  
JAMES O. DIXON COUNTY RECORDER

I HEREBY CERTIFY THAT THE WITHIN INSTRUMENT WAS FILED AND RECORDED AT REQUEST OF: Mescal Lake Co

1017 E Camelback Rd  
Phoenix, AZ

INDEXED	PHOTO STAMPED	FILED
COMPARED		

FEE \$ 82.00  
DRAFT

SEP 5 '72 - 10 40 AM  
DKT 803 PAGE 238  
PARTIAL No. 21575

d. No travel trailers will be permitted on any lot as a residence either permanent or temporary. All permanent mobile homes must be at least 500 sq. ft. in size.

e. No cabana, porch, additional room or storage building may be constructed on any lot having a mobile home on it unless the same shall be blended in color with the said mobile home, unless the construction of such cabana, porch, additional room or storage building shall have been approved as a separate structure by the committee herein provided for in writing prior to any construction.

f. Not more than one single family residential mobile home shall be permitted or maintained on any lot, except that the owner of any lot shall be permitted to store on his lot a small vacation trailer provided that the same shall be placed upon the rear of the lot in such a manner that it shall not, in the opinion of the committee herein provided for, be considered detrimental to the appearance of the lot or the tract.

2. No prefabricated building or structure of any nature whatsoever, permanent or temporary, shall be moved or placed upon or assembled or otherwise maintained on any lot, unless written approval is had and obtained from Mescal Development Company or the committee herein provided for, provided however, that a temporary office, tool shed, saw shed, lumber shed and sales office may be maintained upon any lot or lots by any building contractor for the purpose of erecting and selling dwellings on any lot or lots but such temporary structures shall be removed at completion of construction or selling of dwellings, whichever is later.

3. Prior to any construction or placement of a mobile home upon any lot a proper permit must be obtained from Cochise County. All construction must be substantially complete within six (6) months of the issuance of that permit and fully completed within nine (9) months of the issuance of that permit.

4. No lots shall be resubdivided.

5. Under no circumstances shall any owner of any lot or parcel of land be permitted to deliberately alter the topographic conditions of his lot or parcel of land in any way that would permit additional quantities of water from any source, other than what nature originally intended, to flow from his property onto any adjoining property or public right of way. (EXCEPTION) The subdivision may find it necessary from time to time to alter the natural drainage of the roads so that the road system would not be damaged by excessive waters.

6. No washing machines, dryers, or other appliance shall be kept in any unenclosed area of any lot, nor shall any large machinery including but not limited to dump trucks, tractors, blades, etc., be parked on any lot. No car wrecking or rebuilding shall be performed on any lot.

7. All clothes lines, equipment, service yards, wood piles or storage piles shall be kept screened by adequate planting so as to conceal them from view of neighboring lots or streets. All rubbish, trash or garbage shall be removed from the lots on a regular basis and shall not be allowed to accumulate thereon, and shall not be burned except by use of incinerator and only during the hours so specified by the Cochise County Health Department.

8. Sewage disposal shall be affected by means of individual septic tanks, the type of tank, its construction, location on lot and tile disposal field shall be approved by Cochise County Health Department. No cesspools or outside toilets shall be permitted.

9. No swine, cows, horses or other livestock, and no poultry shall be kept upon said lots. (EXCEPTION) House pets not to exceed two (2) adults of any one species. House pets must be kept fenced or on a leash.

10. No advertising signs, for sale or rent signs, billboards, unsightly objects or nuisance shall be erected, placed or permitted to remain on any of the lots or in or on any home or mobile home on said lot in any position visible from the streets or adjoining property unless written approval is had and obtained from the committee herein provided for, nor shall the premises be used in any way or for any purpose which may endanger the health or unreasonably disturb the holder of any lot.

11. No store, office, or other place of business of any kind and no hospital, sanatorium, or other place for the care or treatment of the sick, physically or mentally, nor any theater, saloon or other place of entertainment shall be erected or permitted upon any lot, and no business of any kind or character whatsoever shall be conducted from the building located on any lot or from any lot.

12. No rear yard fence shall be constructed higher than six feet (6') and no front yard shall be constructed higher than three feet (3').

13. No building, house trailer, or improvement of any kind shall be erected on any lot nearer than 25 feet to the front lot line, nor nearer than 5 feet from the lot line on the carport side of the lot, nor nearer than 8 feet from the lot line on the structure side of the lot, nor nearer than 10 feet from the back lot line.

14. A non-profit corporation known as the Mescal Lake Property Owners Association has been incorporated under the laws of the State of Arizona.

15. In order to enable the Association to accomplish the purposes outlined within the Articles of said association, all of the property within the Mescal Lake Subdivisions is subjected to the covenants, assessments, charges, servitudes, liens, reservations and restrictions here set forth; and in order to cause the restrictions to run with the property and to be binding upon the property and the Owners thereof from and after the date of recordation of this Declaration, the Company will make all conveyances of the property subject to the restrictions herein set forth; and by accepting deeds to the property subject to the restrictions, the Owners, for themselves and their heirs, executors, administrators, successors and assigns, agree that they shall be personally bound by all of the restrictions (including but not limited to the obligation to pay assessments) here set forth.

16. In order to provide funds for the purposes and used specified in the Articles of Incorporation of the Association, the Board of Directors of the Association each year assess against each Owner a charge not to exceed \$4.00 per month per lot until December 31, 1977 and thereafter as determined by the Associations' Board of Directors. The initial assessment shall be \$2.00 per lot per month.

OK 803 PA 239-A

The Association shall have the right to adopt rules and regulations setting forth procedures for the purpose of billing and collecting the assessments provided herein.

17. Each lot shall be charged with and subject to a continuing servitude and lien from the date of recordation of this Declaration for the amount of the charge assessed and levied against each Lot. The lien against each such lot shall be superior to any and all other charges, liens or encumbrances which hereafter in any manner may arise or be imposed upon each such Lot.

If the Owner of any Lot fails to pay the assessment when due, the Association may enforce the payment of the Assessment Lien against the Lot by taking either or both of the following actions:

- (a) Bring an action at law against the Owner personally obligated to pay the Assessment;
- (b) Foreclose the Assessment Lien against the Lot in accordance with the then prevailing Arizona law relating to the Foreclosure of realty mortgages (including the right to recover any deficiency), and the Lot may be redeemed after foreclosure sale as provided by law.

18. The Association shall apply all funds and property collected and received by it for the common good and benefit of the Owners and Residents by devoting said funds and property, among other things, to the acquisition, construction, alteration, maintenance, provision and operation, of any and all land, properties, improvements, facilities, services, projects, programs, studies and systems, within or without the Mescal Lake Subdivisions, which may be necessary, desirable or beneficial to the common interests of the Owners and Residents.

The following are some of the areas in which the Board may seek to aid, promote and provide for such common benefit: landscaping, recreation, communications, education, transportation, health, utilities, public services, culture and safety.

The foregoing restrictions and covenants run with the land unless the owners of 75% of the units of real property within said parcels of land by vote or other written consent change the said covenants in whole or in part, and if not so changed, shall be binding on all persons owning real property within any of said parcels for a period of twenty (20) years from September 1, 1972, at which time said covenants shall be automatically extended for successive periods of ten (10) years each. Deeds of conveyance of said property or any part thereof may contain the above restrictive covenants which shall be valid and binding upon the respective grantees. Violation of any one or more of such covenants may be restrained by any court of competent jurisdiction and damages awarded against such violator, provided, however, that a violation of these restrictive covenants or any one or more of them shall not affect the lien of any mortgage now of record, or which hereafter may be placed or recorded, upon such parcels or any part thereof.

Should any of these restrictive covenants be invalidated by law, regulation, or court decree, such invalidity of any such restrictive covenants shall in no way effect the validity of the remainder of the restrictive covenants.

IN WITNESS WHEREOF, the MINNESOTA TITLE COMPANY, an Arizona corporation, as Trustee has caused its corporate name to be signed and its corporate seal to be affixed by the undersigned officer thereunto duly authorized this 1st day of September, 1972.

MINNESOTA TITLE COMPANY, as Trustee

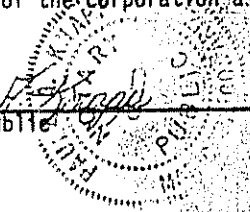
By *Benny Gonzales*  
Trust Officer

STATE OF ARIZONA )  
                          ) ss.  
COUNTY OF MARICOPA)

Before me this 1st day of September, 1972, personally appeared Benny Gonzales who acknowledge himself to be a Trust Officer of Minnesota Title Company, an Arizona corporation, and that he as such officer, being authorized so to do, executed the foregoing instrument for the purpose therein contained by signing the name of the corporation as Trustee, by himself as such officer.

My Commission Expires Feb. 4, 1975

*Anita F. ...*  
Notary Public



## **SUMMARY OF COCHISE COUNTY DEPARTMENT COMMENTS**

**Docket: SU-19-03 (Foreman)**

**Floodplain:**

No Comments

**Highway:**

Right-of Way Permit and site plan showing the driveway is required. (Driveway does not match previous residential permit site plan.) No off-site parking is allowed.

**ROW:**

Cactus Blossom Drive is County Maintained, 50' public row; further row dedication is not required.

**Environmental Health:**

Once the reserve leach field is needed, the proposed parking will need to be relocated.



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

Request Exception; Road Design & Construction Standards & Specifications for Public Improvements

Current Requirements for Commercial Driveway:

Width: 16' - requires two driveways and aprons and signing to define traffic flow

24' - minimum for two-way traffic on one driveway and apron

40' maximum

Radii: 35' turn radii

Length: Varies based upon the County road one is accessing

Surface Material is typically dictated by Figure D-111:

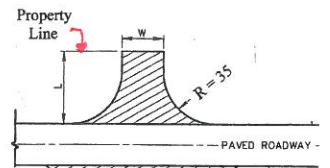
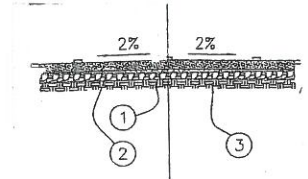
2" of asphaltic concrete surface treatment (asphalt)

over 6" minimum aggregate base course (ABC)

over 6" minimum compacted native material

Typical configuration would look like this:

- ① 2" min. AC over 6" min. AB over 6" compacted native material. Actual depth of AB determined by soils test of subgrade and Fig. D-150 or SN  $\geq$  1.62.
- ② Aggregate Base compacted to 100% of maximum dry density.
- ③ Subgrade compacted to a minimum of 95% of maximum dry density.



Requesting exception to the following for ROW permit for APN \_\_\_\_\_:

Width - Proposed alternate: \_\_\_\_\_

Turn Radius - Proposed alternate: \_\_\_\_\_

Surface Material - Proposed alternate: \_\_\_\_\_

Reason for requesting the exception:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Applicant

Address

Date

Phone number

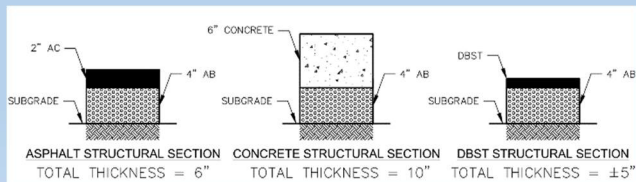
Email address

## DRIVEWAYS IN COCHISE COUNTY

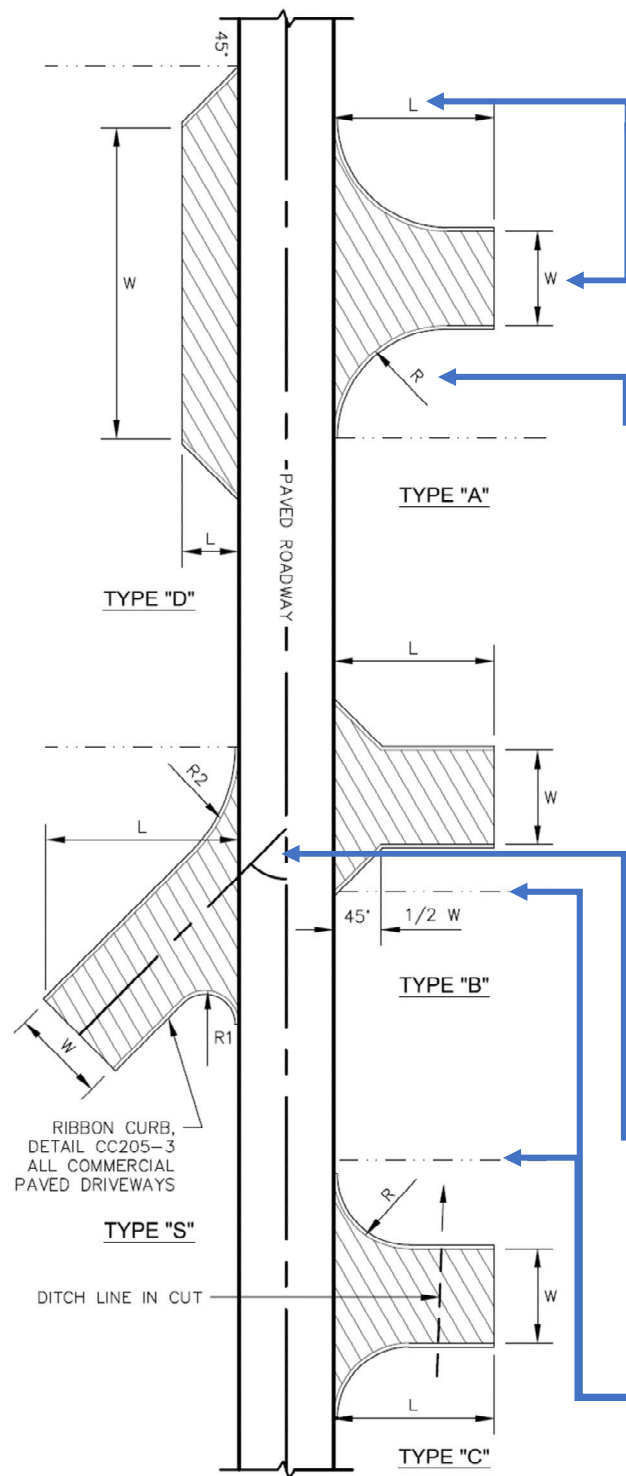
A driveway is any access constructed within the public right-of-way, connecting the public roadway with an adjacent property. There are three general driveway categories and corresponding details for Residential Driveways, Detail CC205-1, Commercial Paved Driveways, Detail CC205-2, and Roadway Access Aprons, CC205-3. Roadway access aprons are required for private roads that provide access to two or more parcels.

### What is considered a Commercial Driveway?

Commercial driveways typically provide access to an office, retail or institutional building or to clustered residential units, such as an apartment building. Commercial and industrial driveways must take into consideration the needs of truck traffic and must be designed using the appropriate turning template. Your commercial driveway can be chamfered or have radii, and can be constructed of different types of hard-surfaced materials including: Concrete, Chip-Seal (DBST), or Asphalt (AC). It is required that your pavement surface match, or be more durable, than the pavement surface type of your connecting paved roadway.



Please refer to the Cochise County Standard Detail CC205-2 COMMERCIAL PAVED DRIVEWAYS for additional information and requirements.



### What are the typical Commercial driveway requirements?

**Length & Width:** The design of your driveway should consider the space necessary to accommodate all vehicles that you think will use your driveway to reach your business. Accommodating larger vehicles, such as delivery trucks or trailers, should also be considered in your driveway design.

**Radii:** Your commercial driveway must have a minimum return radius of 35 ft, with a maximum of 50 ft. Radii, or chamfers if used, must remain within the projection of your parcel's property lines and must not encroach upon any part of adjacent properties frontage on the roadway. Your commercial paved driveway must have a minimum width of 16 ft. A two-lane commercial driveway minimum is 24 ft in width and a maximum of 40 ft. If you plan for three or more lanes you must follow the design standards for street intersections. Where necessary for the safe and efficient movement of traffic, the County may require a Traffic Report (Traffic Impact Statement or Traffic Impact Analysis) with specific recommendations and design criteria for your proposed driveway(s).

**Skew:** Driveways usually are placed at a 90-degree angle (perpendicular) to the road they are accessing. If your parcel cannot accommodate this, a reduction to a minimum of 60 degrees, may be considered for approval by the County Engineer.

**Spacing:** A minimum of 150 ft must separate the nearest pavement edge of any driveway onto any county road and the nearest

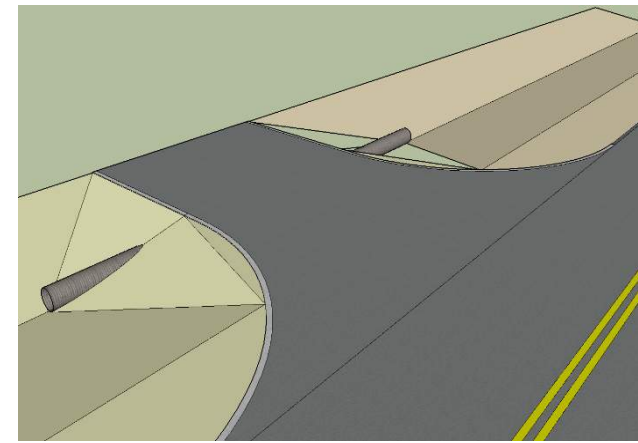
**Spacing (cont.):** intersecting road. If your driveway is near a median opening, then you must either shall center your driveway with the center of the median opening, or be a minimum of 100 ft from the median opening. Joint access will be required for two adjacent developments where a proposed new access will not meet these spacing requirements. Whenever possible, it is preferred that driveways align directly across from any other established driveway on the opposite side of your access roadway.

**Vertical Alignment/Grades:** The vertical profile of your driveway should allow a smooth transition to and from the roadway. A minimum 20-foot-long landing area, of no greater than 3 percent slope, must be provided for Commercial Driveways.

**Drainage:** Drainage structures, if needed, must be provided under your driveway. Flows that can be accommodated with less than the minimum 18 in. culvert size may use a concrete or paved low flow drainage crossing, Driveway Type C, see Cochise County Standard Details CC205-2 and CC205-4.

**Permitting:** A Right-of-Way permit is required prior to construction of your driveway. Although each driveway has typical guidelines for layout, application, and typical materials, all driveway configurations must receive approval by the County Engineer before you begin installation.

**Sight Distance:** You will need to provide adequate sight distance for all vehicles exiting and entering your driveway(s). Your proposed driveway locations must be evaluated for obstructions, such as buildings, signs, mail-boxes, parked vehicles, walls/fences, and/or vegetation. You will need to show sight distance triangles on your design for all of your proposed driveways, based on the posted speeds of the access roadway. See Cochise County Standard Detail CC300.



## Commercial Driveways

What if my parcel access has difficult features that may require special considerations?

A variance may be considered when complying with the standards is an unreasonable hardship. Modifications may not jeopardize traffic circulation or safety. Variances to the driveway standards may only be granted by the County Engineer.

Requests must be made in writing to the County Engineer, with a justification statement, as to what modification to the standards is desired and why the modification is necessary. See Section A3 of the *Cochise County Road Design & Construction Standards and Specifications for Public Improvements* for additional information on requesting a variance from these Design Standards for your commercial driveway.

### Highway and Floodplain Department

Design standards, details, specifications, zoning & floodplain maps, as well as permit applications are available in Bisbee and Sierra Vista. Call for Service Center locations and office hours or visit our website at [www.cochise.az.gov](http://www.cochise.az.gov).



## Cochise County

### Community Development

#### Highway and Floodplain Department

1415 Melody Lane, Building F  
Bisbee, AZ 85603  
520-432-9300/Fax 520-432-9337  
Email: [highway@cochise.az.gov](mailto:highway@cochise.az.gov)  
[www.cochise.az.gov](http://www.cochise.az.gov)



---

April 3, 2019

Robert Kirschmann  
Cochise County Community Development  
1415 Melody Lane, Building Em  
Bisbee, AZ 85603

Re: Review of the Daycare Facility Cochise County project

Dear Mr. Kirschmann:

The Arizona Game and Fish Department (Department) reviewed your Project Evaluation Request dated March 4, 2019, regarding the construction of a Daycare Facility at Parcel #124-15-653 in Benson, Arizona.

Based on the provided information, the Department has the following recommendations:

- The trees and/or vegetation within the project area may provide nesting opportunities for avian species that are regulated under the Migratory Bird Treaty Act (MBTA). A qualified biologist should conduct a survey for nesting birds within the project area prior to removal or trimming of trees/vegetation during the breeding season. Breeding season for birds is generally March through late August, depending on the species and habitat, and for raptors it is generally January through late June. If you anticipate your project will not be in compliance with MBTA, the Department recommends you contact the U.S. Fish and Wildlife Service (USFWS) for their Technical Assistance. The USFWS will provide options to comply with the MBTA.
- Minimize the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects and pathogens. Precautions should be taken to wash and/or decontaminate all equipment utilized in the project activities before entering and leaving the site. To view a list of documented invasive species in or near your project area visit <http://login.imapinvasives.org/azimi/login/?next=/azimi/> . To build a list: login, go to Query and Reports, select a geography value relevant to your project area, and select "View Report" for a list of reported species.
  - Arizona has noxious weed regulations (Arizona Revised Statutes, Rules R3-4-244 and R3-4-245); please see the Arizona Department of Agriculture website for prohibited and restricted noxious weeds.  
<https://www.invasivespeciesinfo.gov/unitedstates/az.shtml>  
<https://agriculture.az.gov/pests-pest-control/agriculture-pests/noxious-weeds>  
<https://plants.usda.gov/java/noxious?rptType=State&statefips=04>
  - The Department recommends coordination with the Arizona Sonora Desert Museum for guidance on measures to minimize the potential spread of buffelgrass (*Pennisetum ciliare*).

Thank you for the opportunity to review this project. Attached is a report created on Arizona's Online Environmental Review Tool which should provide general recommendations and additional contact information. If you have any questions regarding this letter, please contact me at (623) 236-7222.

---

**azgfd.gov | 602.942.3000**

**5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086**


**GOVERNOR:** DOUGLAS A. DUCEY **COMMISSIONERS:** CHAIRMAN, JAMES S. ZIELER, ST. JOHNS | ERIC S. SPARKS, TUCSON | KURT R. DAVIS, PHOENIX  
LELAND S. "BILL" BRAKE, ELGIN | JAMES E. GOUGHNOUR, PAYSON **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

Robert Kirschmann

April 3, 2019

Page 2

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Cavalcant". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Andrew Cavalcant

Project Evaluation Program Specialist, Habitat Branch

Arizona Game and Fish Department

cc: Ginger Ritter, Project Evaluation Program Supervisor  
John Windes, Habitat Program Manager, Region V

AGFD# M19-03120749

# Arizona Environmental Online Review Tool Report



## *Arizona Game and Fish Department Mission*

*To conserve Arizona's diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.*

**Project Name:**

M19-03120749 Daycare Facility Cochise County

**Project Description:**

Daycare Facility at parcel #124-15-653, Benson, AZ 85602

**Project Type:**

Development Outside Municipalities (Rural Development), Commercial/industrial (mall) and associated infrastructure, Maintenance/expansion/rehabilitation of existing facilities

**Contact Person:**

Victoria Kearney

**Organization:**

Arizona Game and Fish Department

**On Behalf Of:**

COCHISE

**Project ID:**

HGIS-08878

***Please review the entire report for project type and/or species recommendations for the location information entered. Please retain a copy for future reference.***

**Disclaimer:**

1. This Environmental Review is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
2. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. This review is also not intended to replace environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the Departments review of site-specific projects.
3. The Departments Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. HDMS data contains information about species occurrences that have actually been reported to the Department. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. HabiMap Arizona data, specifically Species of Greatest Conservation Need (SGCN) under our State Wildlife Action Plan (SWAP) and Species of Economic and Recreational Importance (SERI), represent potential species distribution models for the State of Arizona which are subject to ongoing change, modification and refinement. The status of a wildlife resource can change quickly, and the availability of new data will necessitate a refined assessment.

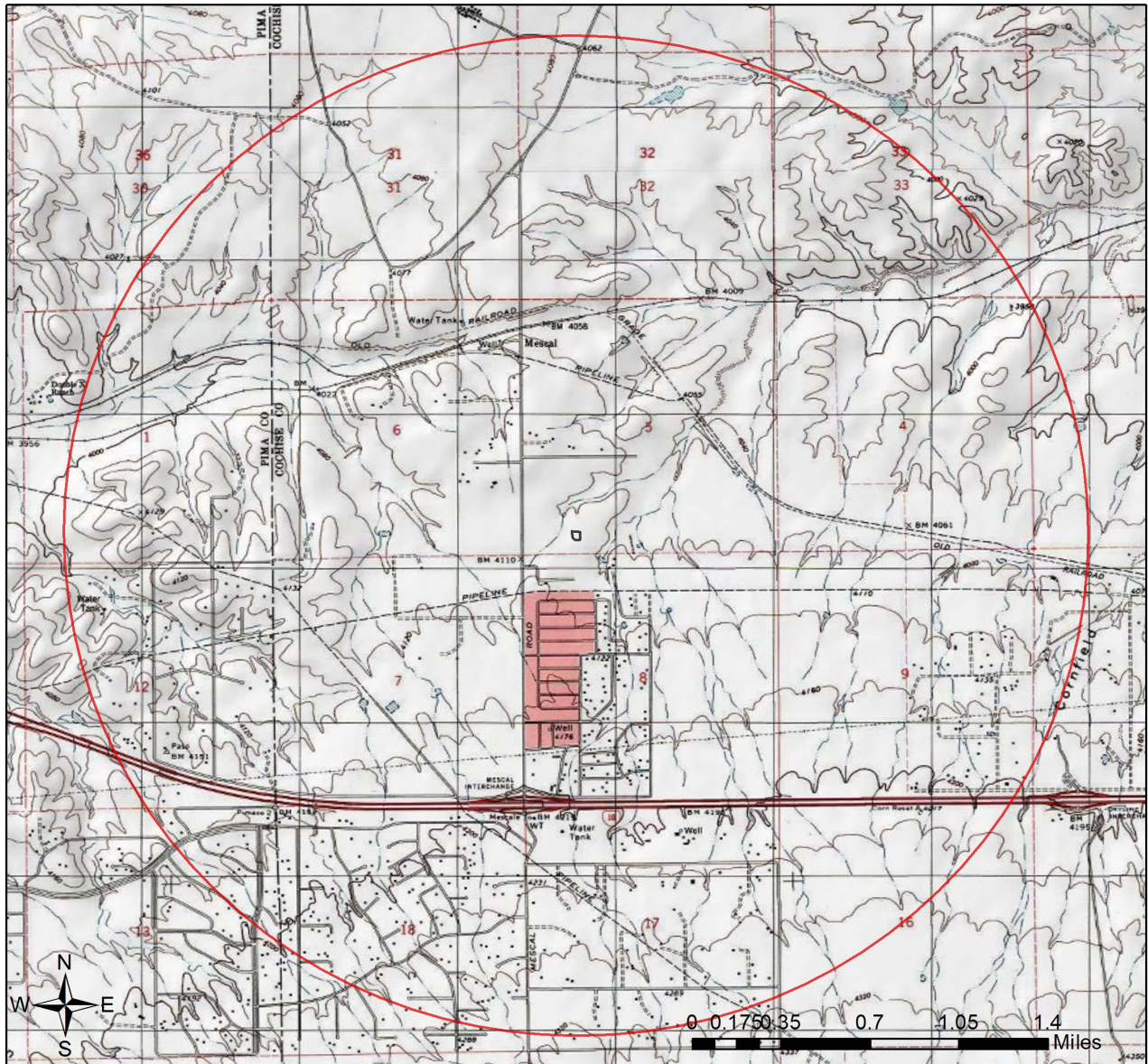
**Locations Accuracy Disclaimer:**

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

**Recommendations Disclaimer:**

1. The Department is interested in the conservation of all fish and wildlife resources, including those species listed in this report and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
2. Recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation).
3. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project. These recommendations are preliminary in scope, designed to provide early considerations on all species of wildlife.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. Further coordination with the Department requires the submittal of this Environmental Review Report with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map). Once AGFD had received the information, please allow 30 days for completion of project reviews. Send requests to:  
**Project Evaluation Program, Habitat Branch**  
**Arizona Game and Fish Department**  
**5000 West Carefree Highway**  
**Phoenix, Arizona 85086-5000**  
**Phone Number: (623) 236-7600**  
**Fax Number: (623) 236-7366**  
**Or**  
[PEP@azgfd.gov](mailto:PEP@azgfd.gov)
6. Coordination may also be necessary under the National Environmental Policy Act (NEPA) and/or Endangered Species Act (ESA). Site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies

# M19-03120749 Daycare Facility Cochise County USA Topo Basemap With Locator Map



- Project Boundary
- Buffered Project Boundary

Project Size (acres): 0.63

Lat/Long (DD): 31.9787 / -110.4311

County(s): Cochise

AGFD Region(s): Tucson

Township/Range(s): T17S, R19E

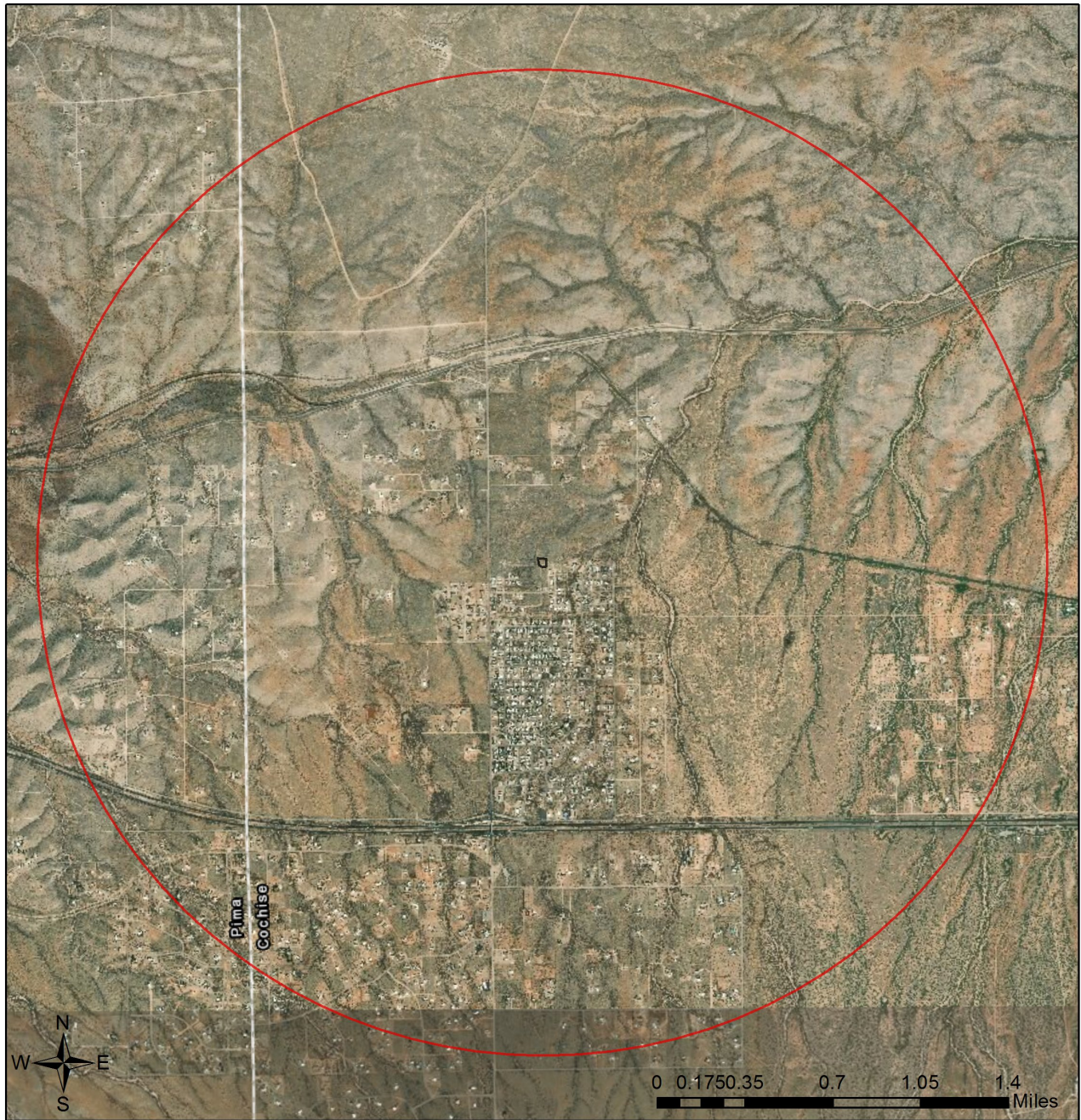
USGS Quad(s): MESCAL

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, ©



# M19-03120749 Daycare Facility Cochise County

Web Map As Submitted By User



- Project Boundary
- Buffered Project Boundary

Project Size (acres): 0.63

Lat/Long (DD): 31.9787 / -110.4311

County(s): Cochise

AGFD Region(s): Tucson

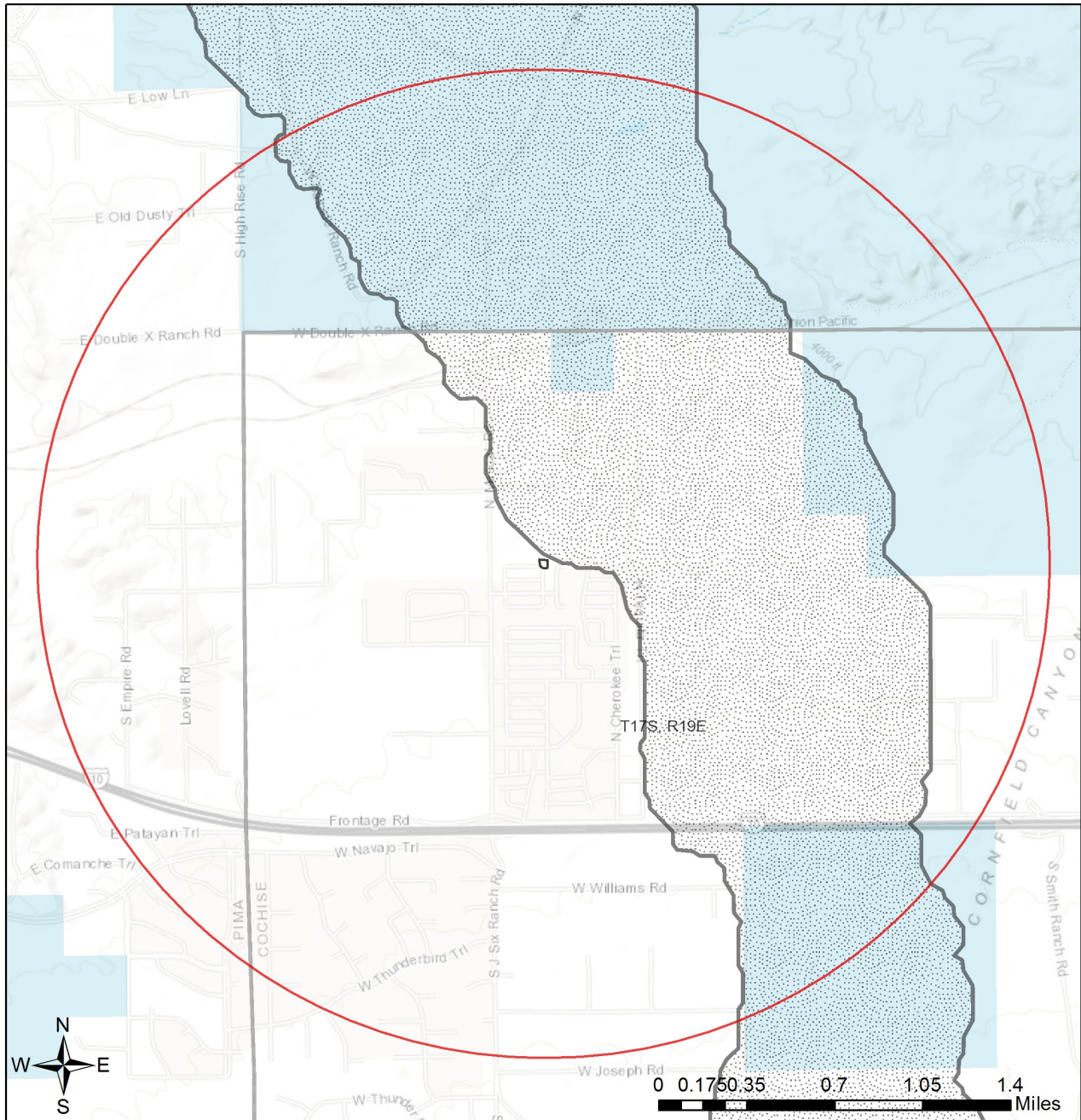
Township/Range(s): T17S, R19E

USGS Quad(s): MESCAL

Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user community  
Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA,  
USGS, AeroGRID, IGN, and the GIS User Community

## M19-03120749 Daycare Facility Cochise County

Topo Basemap with Township/Ranges, Land Ownership, Critical Habitats, Wildlife Corridors



Project Boundary	Indian Res.	Project Size (acres): 0.63
Buffered Project Boundary	Military	Lat/Long (DD): 31.9787 / -110.4311
Township/Ranges	Mixed/Other	County(s): Cochise
Wildlife Corridors	National Park/Mon.	AGFD Region(s): Tucson
Critical Habitat	Private	Township/Range(s): T17S, R19E
<b>Land Ownership</b>	State & Regional Parks	USGS Quad(s): MESCAL
AZ Game & Fish Dept.	State Trust	
BLM	US Forest Service	
BOR	Wildlife Area/Refuge	

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

**Special Status Species and Special Areas Documented within 2 Miles of Project Vicinity**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Aquila chrysaetos</i>	Golden Eagle	BGA		S		1B
<i>Eriogonum capillare</i>	San Carlos Wild-buckwheat	SC			SR	
<i>Phrynosoma cornutum</i>	Texas Horned Lizard	SC				
Rincon - Santa Rita - Whetstone Linkage Design	Wildlife Corridor					
<i>Terrapene ornata luteola</i>	Desert Box Turtle			S		1A

Note: Status code definitions can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/>

**Species of Greatest Conservation Need  
 Predicted within 2 Miles of Project Vicinity based on Predicted Range Models**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Aix sponsa</i>	Wood Duck					1B
<i>Amazilia violiceps</i>	Violet-crowned Hummingbird		S			1B
<i>Ammodramus savannarum ammolegus</i>	Arizona grasshopper sparrow		S	S		1B
<i>Ammodramus savannarum perpallidus</i>	Western Grasshopper Sparrow					1B
<i>Ammospermophilus harrisi</i>	Harris' Antelope Squirrel					1B
<i>Anthus spragueii</i>	Sprague's Pipit	SC				1A
<i>Antrostomus ridgwayi</i>	Buff-collared Nightjar		S			1B
<i>Aquila chrysaetos</i>	Golden Eagle	BGA		S		1B
<i>Aspidoscelis stictogramma</i>	Giant Spotted Whiptail	SC	S			1B
<i>Aspidoscelis xanthonota</i>	Red-backed Whiptail	SC	S			1B
<i>Athene cunicularia hypugaea</i>	Western Burrowing Owl	SC	S	S		1B
<i>Baeolophus ridgwayi</i>	Juniper Titmouse					1C
<i>Buteo regalis</i>	Ferruginous Hawk	SC		S		1B
<i>Buteo swainsoni</i>	Swainson's Hawk					1C
<i>Callipepla squamata</i>	Scaled Quail					1C
<i>Calypte costae</i>	Costa's Hummingbird					1C
<i>Chordeiles minor</i>	Common Nighthawk					1B
<i>Coccyzus americanus</i>	Yellow-billed Cuckoo (Western DPS)	LT	S			1A
<i>Colaptes chrysoides</i>	Gilded Flicker			S		1B
<i>Coluber bilineatus</i>	Sonoran Whipsnake					1B
<i>Corynorhinus townsendii pallescens</i>	Pale Townsend's Big-eared Bat	SC	S	S		1B
<i>Crotalus lepidus</i>	Rock Rattlesnake					1A
<i>Crotalus tigris</i>	Tiger Rattlesnake					1B
<i>Cyananthus latirostris</i>	Broad-billed Hummingbird		S			1B
<i>Cynomys ludovicianus</i>	Black-tailed Prairie Dog	CCA		S		1A
<i>Cyrtonyx montezumae</i>	Montezuma Quail					1C

**Species of Greatest Conservation Need  
 Predicted within 2 Miles of Project Vicinity based on Predicted Range Models**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Dipodomys spectabilis	Banner-tailed Kangaroo Rat			S		1B
Empidonax traillii extimus	Southwestern Willow Flycatcher	LE				1A
Euderma maculatum	Spotted Bat	SC	S	S		1B
Eumops perotis californicus	Greater Western Bonneted Bat	SC		S		1B
Falco peregrinus anatum	American Peregrine Falcon	SC	S	S		1A
Glaucidium gnoma gnoma	Mountain Pygmy-owl					1B
Gopherus morafkai	Sonoran Desert Tortoise	CCA	S	S		1A
Haliaeetus leucocephalus	Bald Eagle	SC, BGA	S	S		1A
Heloderma suspectum	Gila Monster					1A
Hypsiglena sp. nov.	Hooded Nightsnake					1B
Incilius alvarius	Sonoran Desert Toad					1B
Lasiurus blossevillii	Western Red Bat		S			1B
Lasiurus xanthinus	Western Yellow Bat		S			1B
Leopardus pardalis	Ocelot	LE				1A
Leptonycteris yerbabuenae	Lesser Long-nosed Bat	SC				1A
Lepus alleni	Antelope Jackrabbit					1B
Lithobates chiricahuensis	Chiricahua Leopard Frog	LT				1A
Lithobates tarahumarae	Tarahumara Frog	SC	S			1A
Lithobates yavapaiensis	Lowland Leopard Frog	SC	S	S		1A
Macrotus californicus	California Leaf-nosed Bat	SC		S		1B
Melanerpes uropygialis	Gila Woodpecker					1B
Meleagris gallopavo mexicana	Gould's Turkey		S			1B
Melospiza lincolni	Lincoln's Sparrow					1B
Melospiza aberti	Abert's Towhee		S			1B
Micrathene whitneyi	Elf Owl					1C
Micruroides euryxanthus	Sonoran Coralsnake					1B
Myiarchus tyrannulus	Brown-crested Flycatcher					1C
Myotis occultus	Arizona Myotis	SC		S		1B
Myotis velifer	Cave Myotis	SC		S		1B
Myotis yumanensis	Yuma Myotis	SC				1B
Notiosorex cockrumi	Cockrum's Desert Shrew					1B
Nyctinomops femorosaccus	Pocketed Free-tailed Bat					1B
Odocoileus virginianus	White-tailed Deer					1B
Oreoscoptes montanus	Sage Thrasher					1C
Oreothlypis luciae	Lucy's Warbler					1C
Panthera onca	Jaguar	LE				1A
Passerculus sandwichensis	Savannah Sparrow					1B
Peucaea botterii arizonae	Arizona Botteri's Sparrow			S		1B

**Species of Greatest Conservation Need  
 Predicted within 2 Miles of Project Vicinity based on Predicted Range Models**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Peucaea carpalis	Rufous-winged Sparrow					1B
Phrynosoma solare	Regal Horned Lizard					1B
Progne subis hesperia	Desert Purple Martin			S		1B
Setophaga petechia	Yellow Warbler					1B
Sialia sialis fulva	Azure Bluebird					1B
Sphyrapicus nuchalis	Red-naped Sapsucker					1C
Spizella atrogularis	Black-chinned Sparrow					1C
Spizella breweri	Brewer's Sparrow					1C
Sturnella magna	Eastern Meadowlark					1C
Tadarida brasiliensis	Brazilian Free-tailed Bat					1B
Terrapene ornata	Ornate Box Turtle					1A
Thamnophis eques megalops	Northern Mexican Gartersnake	LT	S			1A
Thomomys umbrinus intermedius	Southern Pocket Gopher					1B
Vireo bellii arizonae	Arizona Bell's Vireo					1B
Vulpes macrotis	Kit Fox	No Status				1B

**Species of Economic and Recreation Importance Predicted within 2 Miles of Project Vicinity**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Callipepla gambelii	Gambel's Quail					
Callipepla squamata	Scaled Quail					1C
Odocoileus hemionus	Mule Deer					
Patagioenas fasciata	Band-tailed Pigeon					1C
Pecari tajacu	Javelina					
Puma concolor	Mountain Lion					
Zenaida asiatica	White-winged Dove					
Zenaida macroura	Mourning Dove					

**Project Type: Development Outside Municipalities (Rural Development), Commercial/industrial (mall) and associated infrastructure, Maintenance/expansion/rehabilitation of existing facilities**

**Project Type Recommendations:**

During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife. Guidelines for many of these can be found at: <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

Consider impacts of outdoor lighting on wildlife and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use. Use only the minimum amount of light needed for safety. Narrow spectrum bulbs should be used as often as possible to lower the range of species affected by lighting. All lighting should be shielded, canted, or cut to ensure that light reaches only areas needing illumination.

Minimize potential introduction or spread of exotic invasive species. Invasive species can be plants, animals (exotic snails), and other organisms (e.g., microbes), which may cause alteration to ecological functions or compete with or prey upon native species and can cause social impacts (e.g., livestock forage reduction, increase wildfire risk). The terms noxious weed or invasive plants are often used interchangeably. Precautions should be taken to wash all equipment utilized in the project activities before leaving the site. Arizona has noxious weed regulations (Arizona Revised Statutes, Rules R3-4-244 and R3-4-245). See Arizona Department of Agriculture website for restricted plants, <https://agriculture.az.gov/>. Additionally, the U.S. Department of Agriculture has information regarding pest and invasive plant control methods including: pesticide, herbicide, biological control agents, and mechanical control, <http://www.usda.gov/wps/portal/usdahome>. The Department regulates the importation, purchasing, and transportation of wildlife and fish (Restricted Live Wildlife), please refer to the hunting regulations for further information <https://www.azgfd.com/hunting/regulations>.

Follow manufacturer's recommended application guidelines for all chemical treatments. The U.S. Fish and Wildlife Service, Region 2, Environmental Contaminants Program has a reference document that serves as their regional pesticide recommendations for protecting wildlife and fisheries resources, titled "Recommended Protection Measures for Pesticide Applications in Region 2 of the USFWS", [http://www.fws.gov/southwest/es/arizona/Documents/ECReports/RPMPA\\_2007.pdf](http://www.fws.gov/southwest/es/arizona/Documents/ECReports/RPMPA_2007.pdf). The Department recommends that direct or indirect impacts to sensitive species and their forage base from the application of chemical pesticides or herbicides be considered carefully.

Based on the project type entered, coordination with State Historic Preservation Office may be required (<http://azstateparks.com/SHPO/index.html>).

Trenches should be covered or back-filled as soon as possible. Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herptefauna (snakes, lizards, tortoise) from entering ditches.

Based on the project type entered, coordination with Arizona Department of Environmental Quality may be required (<http://www.azdeq.gov/>).

Development plans should provide for open natural space for wildlife movement, while also minimizing the potential for wildlife-human interactions through design features. Please contact Project Evaluation Program for more information on living with urban wildlife at [PEP@azgfd.gov](mailto:PEP@azgfd.gov) or at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/> and <https://www.azgfd.com/Wildlife/LivingWith>.

**Project Location and/or Species Recommendations:**

HDMS records indicate that one or more native plants listed on the Arizona Native Plant Law and Antiquities Act have been documented within the vicinity of your project area. Please contact:

Arizona Department of Agriculture

1688 W Adams St.

Phoenix, AZ 85007

Phone: 602.542.4373

<https://agriculture.az.gov/environmental-services/np1>

HDMS records indicate that one or more listed, proposed, or candidate species or Critical Habitat (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species. Please contact USFWS Ecological Services Offices at <http://www.fws.gov/southwest/es/arizona/> or:

**Phoenix Main Office**

2321 W. Royal Palm Rd, Suite 103  
Phoenix, AZ 85021  
Phone: 602-242-0210  
Fax: 602-242-2513

**Tucson Sub-Office**

201 N. Bonita Suite 141  
Tucson, AZ 85745  
Phone: 520-670-6144  
Fax: 520-670-6155

**Flagstaff Sub-Office**

SW Forest Science Complex  
2500 S. Pine Knoll Dr.  
Flagstaff, AZ 86001  
Phone: 928-556-2157  
Fax: 928-556-2121

Analysis indicates that your project is located in the vicinity of an identified **wildlife habitat linkage corridor**. Project planning and implementation efforts should focus on maintaining adequate opportunities for wildlife permeability. For information pertaining to the linkage assessment and wildlife species that may be affected, please refer to: <http://www.corridordesign.org/arizona>. Please contact your local Arizona Game and Fish Department Regional Office for specific project recommendations: <https://www.azgfd.com/Agency/Offices>.



**P&Z Agenda Template**

**6. 3.**

**Meeting Date:** 04/10/2019

SU-19-04 (Uniti Towers)

**Submitted By:** Robert Kirschmann, Community Development

**Department:** Community Development

**Division:** Development Services

**Presentation:** No A/V Presentation

**NAME** Robert Kirschmann

**of PRESENTER:**

**TITLE** Planner II

**of PRESENTER:**

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**Agenda Item Text:**

SU-19-04 (Unitit Towers)The Applicant requests a Special Use Authorization to approve a 199-foot tall, self-supporting wireless communications tower.

**Background:**

The Applicant requests a Special Use Authorization to approve a 199-foot tall, self-supporting wireless communications tower. The 184-acre site, 407-61-023H, is located at the intersection of State Highway 80 and & W. Paul Spur Road and is zoned RU-4. In a rural zoning district, towers greater than 30-feet in height require Special Use Authorization. The Applicant is Uniti Towers.

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**Attachments**

Staff Report

Application, Site Plan and Maps

Public Comment

Agency Comments

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

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

**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Robert Kirschmann, Planner II  
**FOR:** Daniel Coxworth, AICP, Planning Director  
**SUBJECT:** Docket SU-19-04 (Uniti Towers)  
**DATE:** April 1, 2019 for the April 10, 2019 Meeting

**APPLICATION FOR A SPECIAL USE**

The Applicant requests a Special Use Authorization to approve a 199-foot tall, self-supporting wireless communications tower. The 184-acre site, 407-61-023H, is located at the intersection of State Highway 80 and W. Paul Spur Road and is zoned RU-4. In a rural zoning district, towers greater than 30-feet in height require Special Use Authorization. The Applicant is Uniti Towers.

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

Parcel Size: 184 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: Vacant  
 Proposed Uses: 199' tall wireless communication facility

**Zoning/Use of Surrounding Properties**

<b>Relation to Subject Parcel</b>	<b>Zoning District</b>	<b>Use of Property</b>
North	Paul Spur Road/SR80 RU-4	Vacant/agriculture
South	RU-4	Vacant
East	RU-4	Vacant
West	RU-4	SFR, Vacant

**Planning, Zoning and Building Safety**  
 1415 Melody Lane, Building E  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9278 fax  
 1-877-777-7958  
 planningandzoning@cochise.az.gov

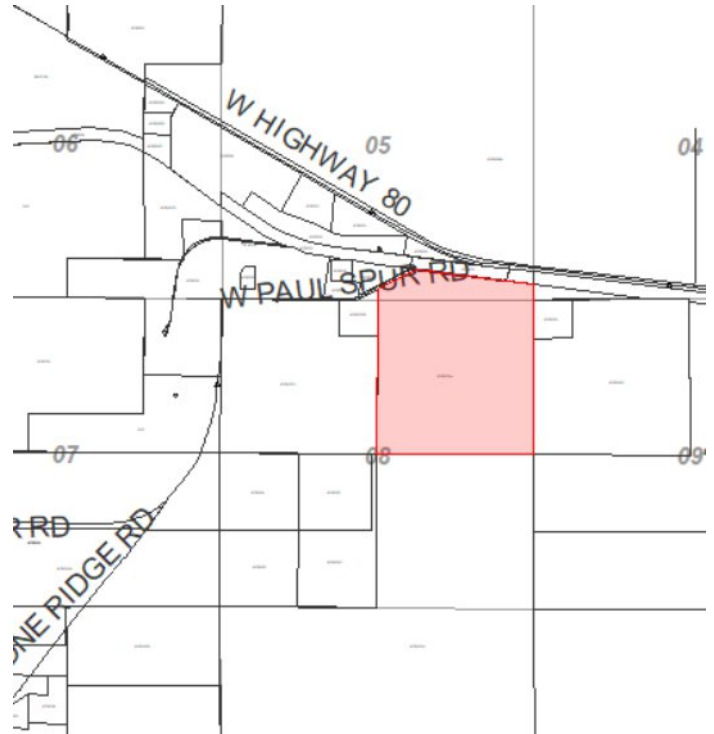
**Highway and Floodplain**  
 1415 Melody Lane, Building F  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9337 fax  
 1-800-752-3745  
 highway@cochise.az.gov  
 floodplain@cochise.az.gov

**II. PARCEL HISTORY**

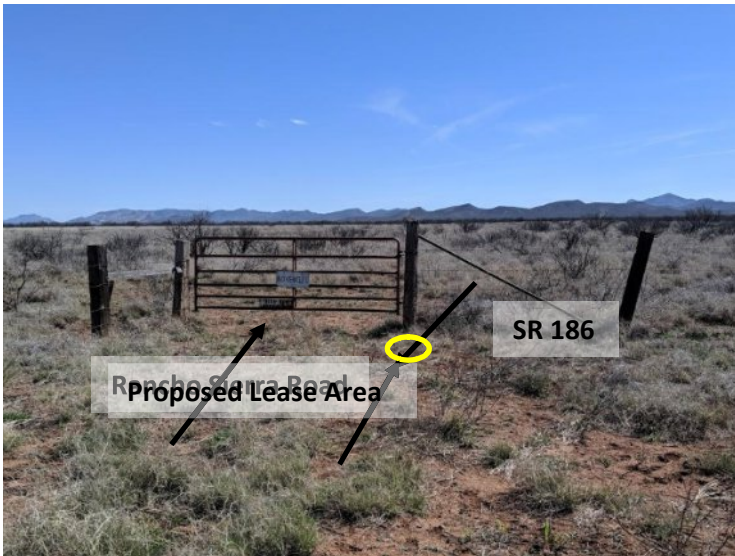
N/A, vacant land

**III. NATURE OF REQUEST**

The Applicant is requesting a Special Use authorization to approve an unmanned wireless communications facility consisting of a 199-foot tower and base equipment. The tower is located on private property along Paul Spur Road, South of State Route 80.



Location Map



The proposed tower and base equipment will be surrounded by an 8-foot-tall chain link fence. An existing dirt driveway will be constructed to the facility Paul Spur Road. The Border Patrol frequent this road. A small wash crossed the road until someone filled it in. A condition is included for the wash to be dug out and a culvert installed.

After construction is complete, there will be minimal traffic to and from the facility; service and maintenance personnel visit the site once or twice a month, normally at night when cell phone traffic is the lightest.

One item of concern that Staff has with the request



is that there is an existing tower approximately 1/2 mile west of this location. This tower was built in 2000 at a height of 190 feet. There are currently 2 companies located on the tower with additional capacity, however as the antennas move further down the pole, service could be compromised. The new Tower will allow additional future colocations for the expanding industry.

**IV. 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.

Eight of the ten factors apply to this request. The project, as submitted, complies with seven of those factors. AS submitted the project complies with the eight of the factors. The two remaining factors are not applicable to this application.

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

The proposed project complies with the Comprehensive Plan. The Land Use and Rural Character Elements encourage minimizing light pollution, and the site will only be lit as needed for maintenance. While the Rural Character Element encourages open views, the proposed tower will allow the installation of up to two additional carriers. The lattice tower will also permit view through the tower.

**B. 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 tower will provide telephone service and improved emergency services communications to the area, with minimal impacts to the rural area.

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

The property takes access from Paul Spur Road via State Route 80. A new private easement will be recorded providing access from Paul Spur Road to the tower site. The property owner is conditioned and has started conversations with

the County for dedication of Paul Spur Road.

**D. Traffic Circulation Factors: Complies**

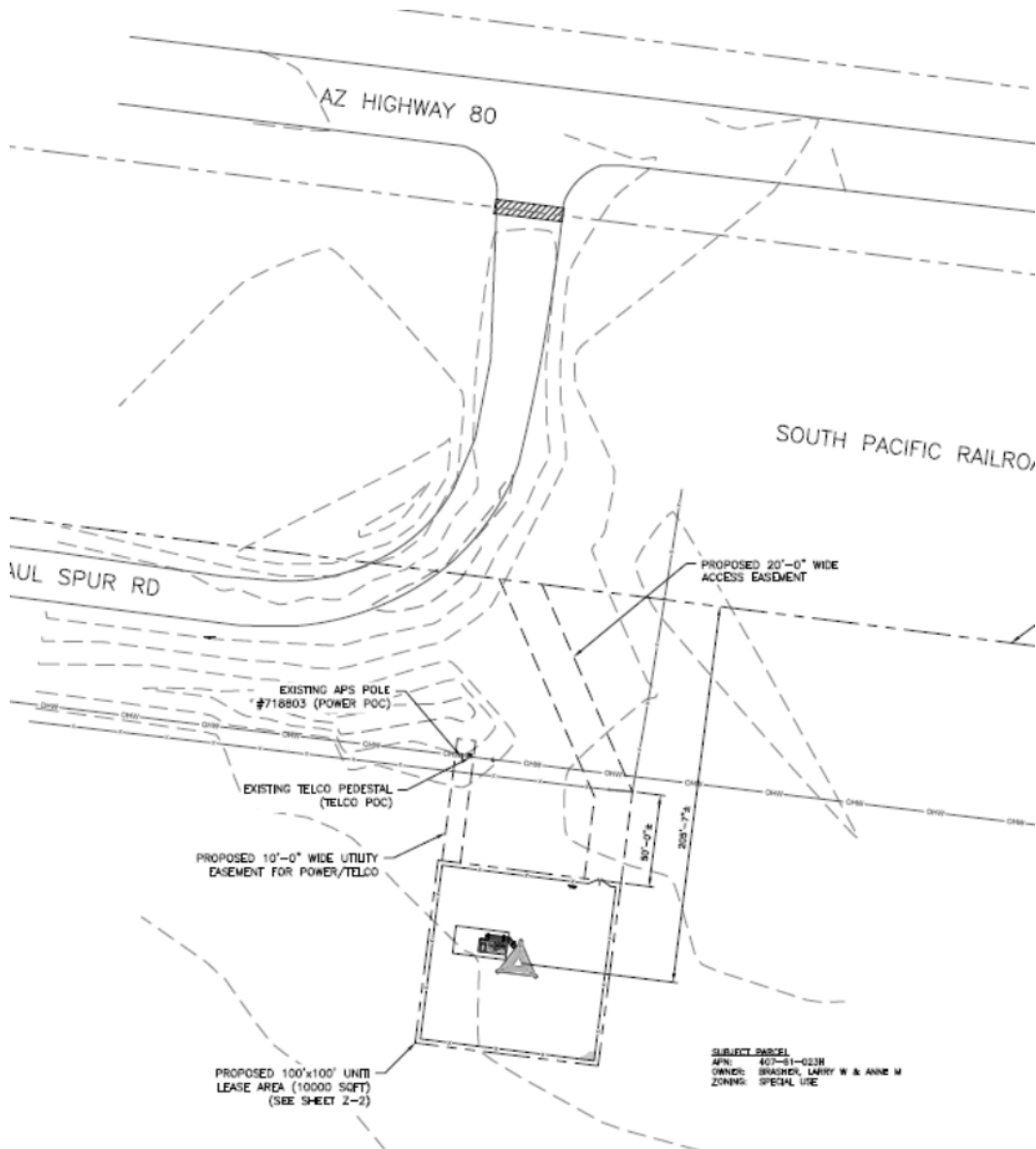
The applicant provides periodic maintenance to the antennas on the tower once or twice a month as needed.

Though the increase in traffic is minimal, the only access proposed is from Paul Spur Road.

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

The project site is served by APS; no other utilities are required by the Applicant. The tower has access via Paul Spur Road, from State Route 80. The tower is unmanned and will add minimal traffic to either roadway.

**F. Significant Site Development Standards: Complies**



The site development standards for Communications Facilities are found in Article 18, Section 1813 of the Zoning Ordinance. The proposed tower is 199 feet tall and provides the ability for up to two additional collocations. This meets the requirement for any tower greater than 150 feet to provide for at least three carriers.

The Zoning regulations require that the facility be setback from all parcel boundaries and rights of way by a minimum of the height of the tower. The facility will meet all setbacks. In addition, the Tower is certified as self collapsing.

The application meets the off-street parking requirement.

**G. 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. One letter in support was received and is included in the packet.

**H. Hazardous Materials: Not Applicable**

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

The antennas do not generate smoke, noise, lights, or odors. The most significant noise is generated by the air conditioning units on ground in the equipment shelters that are similar to air conditioning units in homes. The tower will have no lights and the base facility will have no lighting except when the technician is on-site working.

As previously stated, the proposed tower will allow the installation of up to two additional carriers, potentially limiting the number of towers required to provide service in this area and limiting impact to the overall view shed.

**J. Water Conservation: Not Applicable**

No new water use is proposed.

**VI. PUBLIC COMMENT**

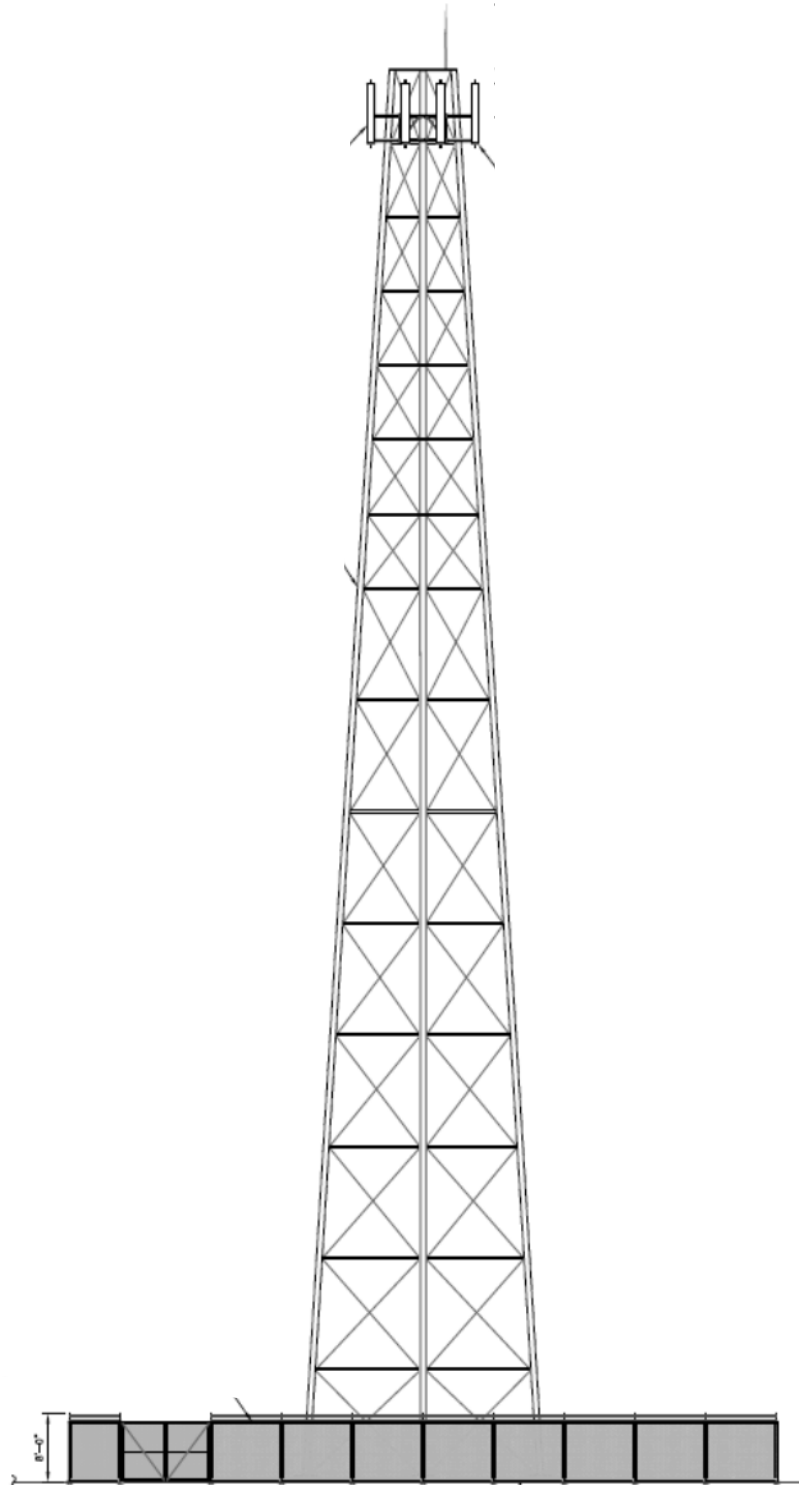
The Planning Department mailed notices to neighboring property owners within one mile of the subject property. Staff posted the property on March 25, 2019 and published a legal notice in the *San Pedro Valley News-Sun* on March 20, 2019. In response to applicant and County mailings, the Planning Department received one letter in support.

**VII. WAIVERS**

No waivers are requested or required for this project.

**VIII. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to approve a 199-foot wireless communication tower and base equipment surrounded by a chain link fence on a 184 acre parcel between Bisbee and Douglas.



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

1. With the recommended Conditions of Approval, the proposed use would fully comply with the eight Special Use factors used by staff to analyze this request;
2. Cochise County encourages co-location of wireless facilities and the proposal adds equipment to an existing tower by increasing its height;
3. The applicant is providing wireless phone and data service to the community, in an area with minimal service;
4. The applicant is improving 911 emergency coverage in the area
5. Fourteen letters of support have been received.

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

1. Thirteen letters in opposition to the request have been received.

### **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. No signage, other than emergency signage, will be allowed for this wireless communications facility; and
4. 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.
5. A culvert or other method to convey floodwater shall be provided to the Satisfaction of the County Engineer
6. A ROW permit and construction plans for the new access shall be provided to the satisfaction of the County Engineer.
7. Perfect right-of-way for Paul Spur Road to the satisfaction of the County Engineer.

Sample Motion: *Mr. Chairman, I move to approve Special Use SU-18-11 with the Conditions of Approval and Modification recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*



# COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs... Personal Service"

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

TAX PARCEL NUMBER

APPLICANT

ADDRESS

CONTACT TELEPHONE NUMBER

EMAIL ADDRESS:

PROPERTY OWNER (IF OTHER THAN APPLICANT)

ADDRESS

DATE SUBMITTED

Special Use Permit Public Hearing Fee (if applicable) \$

Building/Use Permit Fee \$

Total paid \$

### 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 Uniform 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. 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.)

6. 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? Vacant Raw land + Cattle  
graving.
2. What is the proposed use or improvement? Build a 190' (top of steel) SSL  
Tower for Wireless Telecommunications facilities. The  
tower is self collapsing within a 100' X 100' compound. Able  
to accomodate 3 Carriers on the tower + compound.
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? Approx. Once per  
month a Tech will visit site + service as needed.  
Site is unmanned.
4. Describe all intermediate and final products/services that will be produced/offered/sold.  
Cell phone Carriers will be able to provide  
new and or improved  
wireless services for this area.

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)

NO building being built.

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:  Hours (from  AM to  PM) N/A Unmanned

B. Number of employees: Initially:  Future:  N/A - Not a store or service center  
Number per shift Seasonal changes

C. Total average daily traffic generated:

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

After construction is complete, usually 2 vehicle.

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

N/A  
 

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

N/A - or depends on which direction the truck is coming from.

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

N/A

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

N/A  
 

Circle whether you will be on public water system or private well. If private well, show the location on the site plan. N/A  
NO water used on site.

D. Estimated total gallons of water used: per day  N/A per year

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.

G. 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. 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.

H. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached  NA

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water <i>N/A</i>	_____	_____
Sewer/Septic <i>N/A</i>	_____	_____
Electricity	_____	_____ <i>X</i>
Natural Gas <i>N/A</i>	_____	_____
Telephone	_____	_____ <i>X</i>
Fire Protection	_____	_____ <i>X</i>

**SECTION B - Outdoors Activities/Off-site Impacts**

1. Describe any activities that will occur outdoors.

\_\_\_\_\_ *N/A*

\_\_\_\_\_

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. *Perhaps a spot light by equipment. Will specify on Construction Drawing for the Building permit.*

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.  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)

*Crushed gravel will specify in Construction Drawing for Building Permit.*

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.

N/A

Site compound is 100' x 100'

2. How many acres will be cleared?   
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**

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes  No  If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

**Note:** Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

**Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality 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 \_\_\_\_\_

Print Applicant's Name

Date signed

# Re: Unity Tower\_ Preliminary Zoning Drawings for review + Permission to go through Jurisdictional process Required

Larry Brasher <brasherlarry@yahoo.com>

Wed 1/16/2019 3:17 AM

To: Scigliano, Carmelina <CScigliano@tectonicengineering.com>;

morning Carmelina  
I looked over and approve your preliminary zoning drawings  
And you have my permission to submit it to zoning  
Thanks

On Tuesday, January 15, 2019 6:53 PM, "Scigliano, Carmelina" <CScigliano@tectonicengineering.com> wrote:

Good day Larry & Anne,

Attached are the preliminary zoning drawings for your review and comment/approval. Please review and advise ASAP. Once approved I can set up a preliminary zoning mtg. with Cochise County.

Also, owner permission is required to submit for zoning. Do I have your permission to take the Unity Leased Tower Site Area located at 4545 W. Paul Spur Road, Douglas AZ 85607 through the Cochise County Zoning process? Please advise.

I look forward to hearing from you soon! Thank you very kindly!

Regards,

Carmelina Scigliano

Sr. SAQ PM

Representing Tectonic Engineering

Master Acquisitions

520-241-2388

[Cscigliano@tectonicengineering.com](mailto:Cscigliano@tectonicengineering.com)<mailto:Cscigliano@tectonicengineering.com>

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## Report of Title

5039 COMPREHENSIVE FULL TITLE REPORT (INCLUDES 50 YEAR DEED HISTORY & ORIGINAL COPIES)

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This Report of Title is for informational purposes only and is not to be considered as a commitment to issue any form of title insurance policy. The report is for the use and benefit of the addressee only, and liability is hereby limited to the amount of the fee paid therefore.

**US TITLE SOLUTIONS FILE NO.61481-AZ1808-5039**  
**REFERENCE NO. 9043 Douglas SITE NAME Douglas**

**PREPARED FOR:**

Tectonic Engineering - Southeast Market on behalf of  
Verizon  
Mary Williams  
8639 Maryland Dr., Suite 102  
Richmond, VA 23294

**PREMISES:**

**W. Highway 80 & W. Paul Spur Road, Douglas, AZ 85607**  
Parcel 407-61-023H

**COUNTY:**

Cochise

US Title Solutions  
3 Werner Way, Lebanon, NJ 08833  
Telephone (908) 849-3011 Facsimile (908) 849-7981  
www.ustitlesolutions.com  
Report powered by LandIT

## US TITLE SOLUTIONS

FILE NO. 61481-AZ1808-5039 REFERENCE NO. 9043 Douglas

**REPORT OF TITLE**

**1**     **DATE OF THIS REPORT** 9/17/2018

**EXAMINED FROM** 10/8/1946

**EXAMINED THRU** 9/5/2018

**2**     **THE ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS REPORT IS:**

Fee Simple

**3**     **TITLE TO SAID ESTATE OR INTEREST IN THE LAND DESCRIBED OR REFERRED TO IN THIS REPORT IS AT THE EFFECTIVE DATE HEREOF VESTED IN:**

Larry Wayne Brasher and Anne Marie Brasher, husband and wife, as community property with right of survivorship

**SOURCE OF TITLE:**

Warranty Deed made by H. Ursula Christiansen, a widow dated Dec 19, 2014 recorded on Dec 22, 2014 in instrument no. 2014-22392.

**4**     **THE LAND REFERRED TO IN THIS REPORT IS DESCRIBED AS FOLLOWS:**

That portion of the Southeast quarter of the Southwest quarter and the South half of the Southeast quarter in Section 5, Township 24 South, Range 26 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

BEGINNING at the Southeast corner of the Southeast quarter of said Section 5; thence West 2,987.00 feet; thence North 62°00' East 1,119.00 feet; thence South 82°53' East 2,045.00 feet to the East line of the Southeast quarter; thence South 280.00 feet to the POINT OF BEGINNING; and

The Northeast quarter of Section 8, Township 24 South, Range 26 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona;

EXCEPT any portion lying within the following described parcels (A), (B), (C), and (D):

(A) COMMENCING at an LS 11281 aluminum cap monument for the North quarter corner of said Section 8; thence North 89°15'18" West (West record), 316.41 feet along the line of said Section to the POINT OF BEGINNING; thence North 61°37'57" East (North 62°60' East record) 177.86 feet; thence

South 02°20'00" West 696.57 feet; thence North 89°15'18" West 274.93 feet; thence North 02°20'00" East 610.00 feet; thence South 89°15'18" East (East record), 121.94 feet along said Section line to the POINT OF BEGINNING;

(B) BEGINNING at a 1 inch pipe monument in pavement for the Northwest corner of said Section 8; thence South 89° 15'18" East, a distance of 1,987.00 feet along the line of said Section 8; thence South 00°40'54" West, a distance of 609.77 feet; thence South 89°15'18" East, a distance of 662.30 feet; thence North 00°40'54" East; a distance of 797.70 feet along the mid-line and its' projection, to a point in said Section 5; thence North 61°37'57" East, a distance of 114.39 feet along the Southerly line of Paul Spur Road; thence South 00°40'54" West, a distance of 2,879.64 feet along a line parallel, and 100.00 feet distant from the mid-line of said Section 8; thence North 89°14'06" West, a distance of 2,748.76 feet along the mid-line of said Section 8; thence North 00°40'08" East, a distance of 2,635.10 feet along the line of said Section 8 to the POINT OF BEGINNING;

(C) COMMENCING at a LS 11281 aluminum cap monument for the North quarter corner of said Section 8; thence North 89°15'18" West 459.62 feet along the line of said section to the POINT OF BEGINNING; thence South 02°20'00" West 610.00 feet; thence North 89°15'18" West 185.10 feet; thence North 00°40'54" East 609.77 feet; thence South 89°15'18" East 202.68 feet along the line of said section to the POINT OF BEGINNING;

(D) BEGINNING at a LS 11281 aluminum cap monument for the North quarter corner of said Section 8; thence South 00°40'54" West, 609.76 feet along the mid-line of said Section 8; thence North 89°15'18" West 202.28 feet; thence North 02°20'00" East 696.57 feet to the line of Paul Spur Road; thence North 61°37'57" East 208.42 feet along said road line; thence South 00°40'54" West 187.93 feet to the POINT OF BEGINNING.

**US TITLE SOLUTIONS**  
**FILE NO. 61481-AZ1808-5039 REFERENCE NO. 9043 Douglas**

---

**SCHEDULE B**

**THIS IS NOT A COMMITMENT OR PRELIMINARY REPORT OF TITLE TO ISSUE A POLICY OR POLICIES OF TITLE INSURANCE. THE EXHIBITS SET FORTH HEREIN ARE INTENDED TO PROVIDE YOU WITH NOTICE OF MATTERS AFFECTING TITLE TO THE LAND DESCRIBED IN THIS REPORT.**

1. Taxes, tax liens, tax sales, water rates, sewer and assessments set forth in schedule herein.
2. Mortgages returned herein. (-0-). See Separate Mortgage Schedule.
3. Any state of facts which an accurate survey might show or survey exceptions set forth herein.
4. Rights of tenants or person in possession.

**(Judgments, Liens and UCC)**

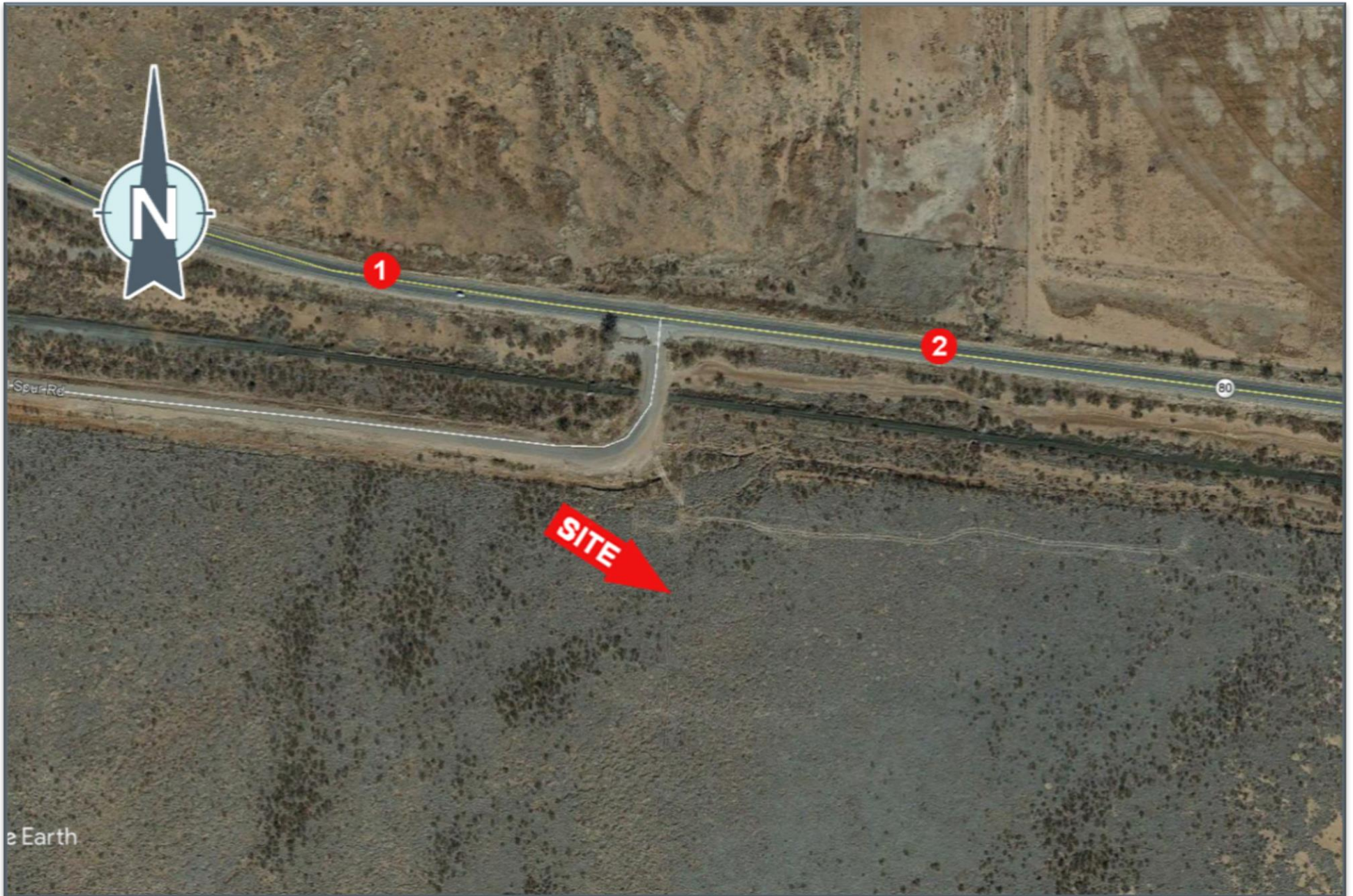
- 5 None within period searched

**(Covenants/Restrictions)**

- 6 None within period searched

**(Easements and Rights of Way)**

- 7 None within period searched











# FAA Airspace Study

Prepared For: Tectonic Engineering



**Site Name:** Douglas  
**Site Address:** Douglas, AZ  
**Ground Elevation:** 4143' AMSL  
**Study Height:** 199' AGL  
**Total Height:** 4342' AMSL  
**Latitude:** 31°-21'-54.02"  
**Longitude:** 109°-43'-1.57"  
**Report Writer:** Thomas Muse-Tessier

**Generation Date:** February 26, 2019

## Notice Requirements

Notice is required





**Table of Contents**

1 Site Summary Analysis ..... 3  
2 Notice Requirement Determination ..... 3  
3 FAR Part 77 Diagram ..... 4  
4 Airspace Summary Appendix ..... 6



## 1 Site Summary Analysis

<u>Maximum Height Determinations</u>	<u>AGL (ft)</u>	<u>AMSL (ft)</u>	<u>FAR Rule Exceedance(s)</u>
Without Notice to FAA	71	4214	77.9(b)
Without Need For Extended Study	167	4307	77.17(a)(3)
Without Being a Hazard	203	4346	

On February 26, 2019 an evaluation for the proposed telecommunications site for Tectonic Engineering was conducted. The study was to determine if the proposed structure would create any adverse effect on the navigable airspace. All heights depicted in this report relate only to this study point using the referenced coordinates.

Part 77 of the Federal Air Regulations and Part 17 of the FCC Rules and Regulations were used as the primary reference for this study.

The closest public use or military landing facility is the COCHISE COLLEGE airport (Identity P03). The distance from the proposed structure to the facility is 1.444 NM on a bearing of 74.64 degrees (true) to the facility.

## 2 Notice Requirement Determination

Structure Height: Notice is required for the proposed height of 199' AGL. At this proposed height, there are FAR rule exceedances. See Site Summary Analysis table for further height considerations with respect to FAA Regulations set forth in Part 77.

Private use landing facilities are not a factor for this location. An AM study is not required.

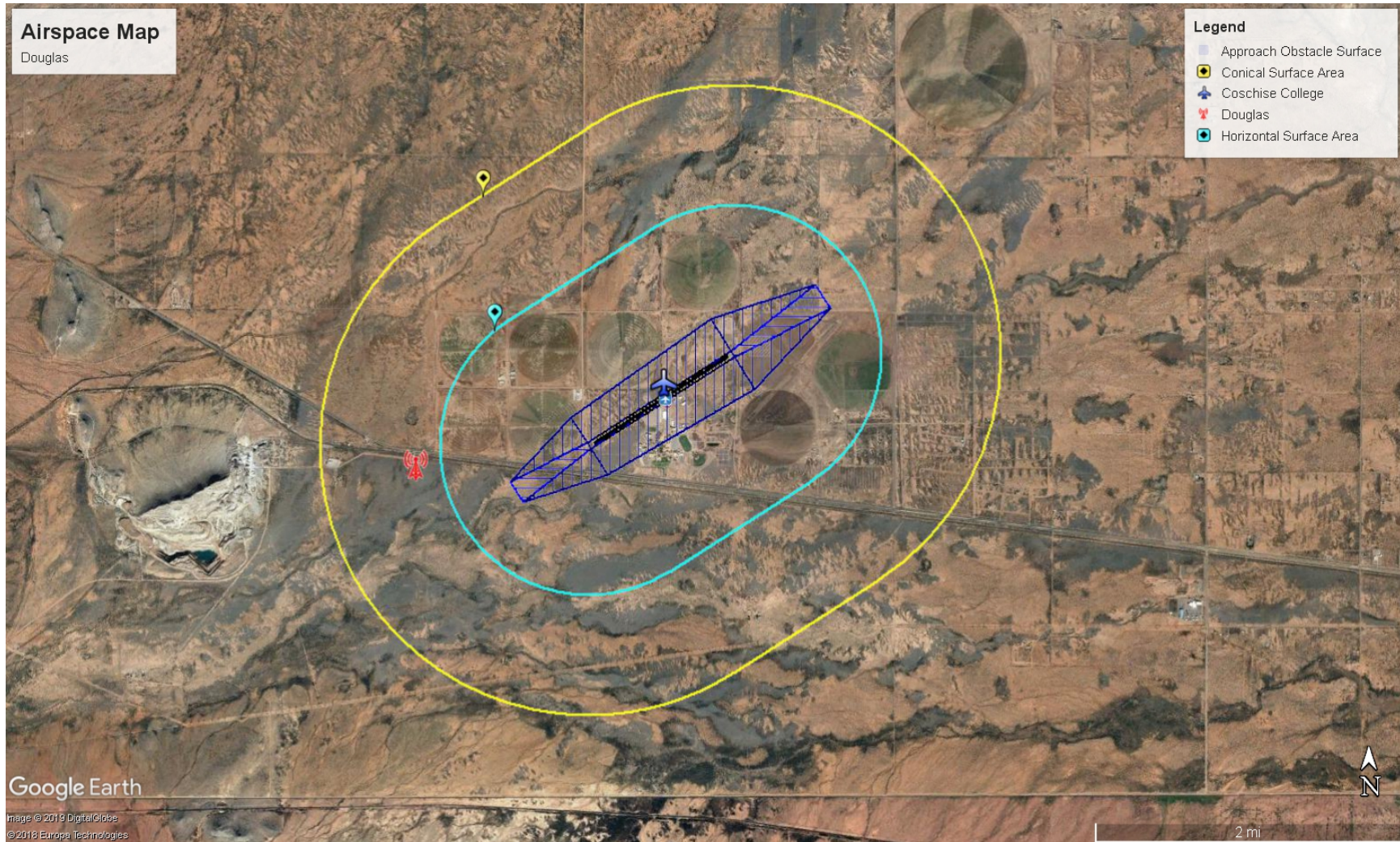
For additional information or questions about this study, please contact David Kiser.

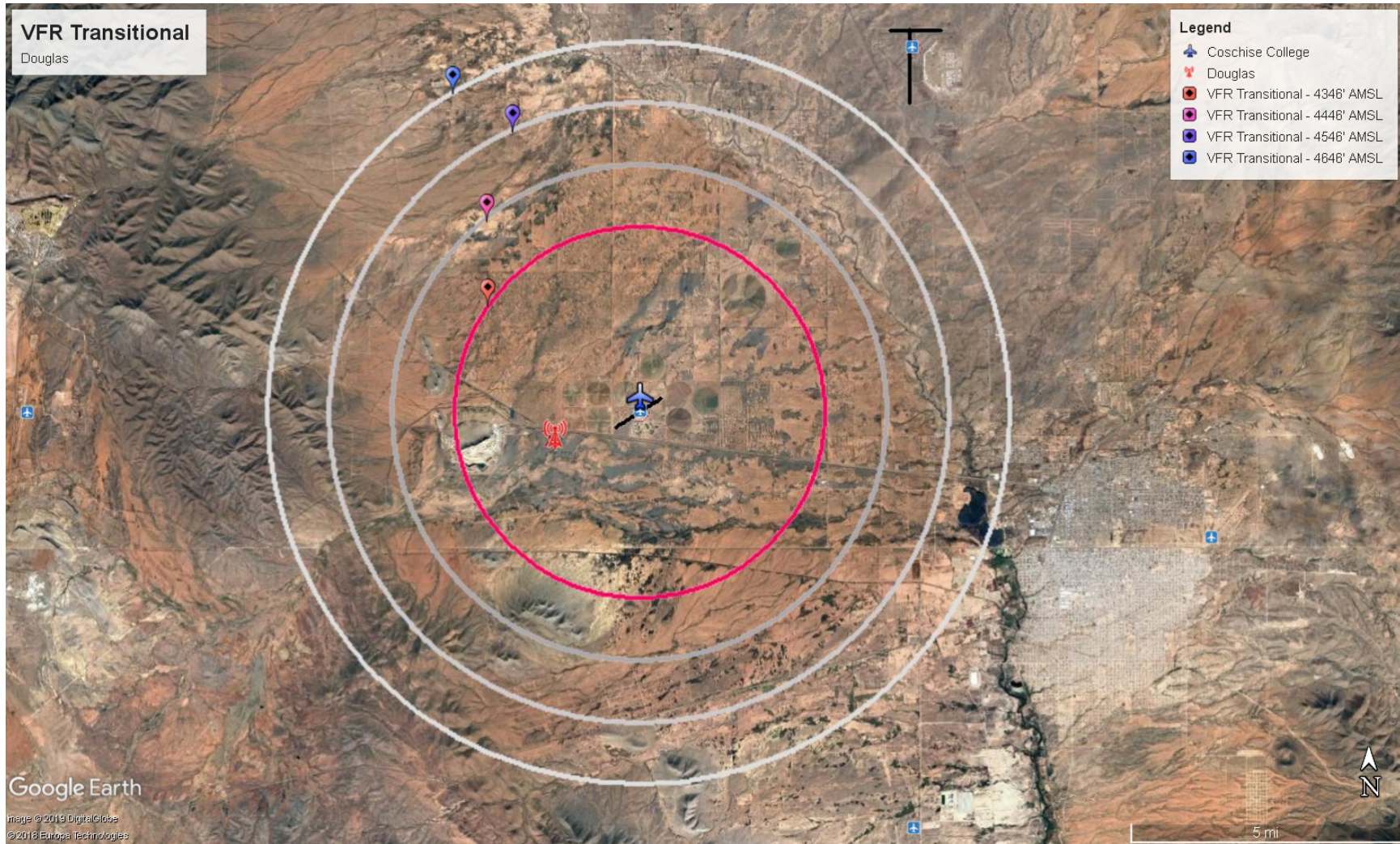
*David H. Kiser*

David H. Kiser  
FAA Compliance  
[dkiser@waterfordconsultants.com](mailto:dkiser@waterfordconsultants.com)  
(703) 596-1022 x 138



### 3 FAR Part 77 Diagram







## 4 Airspace Summary Appendix

```

*****
*           Federal Airways & Airspace           *
*           Summary Report: New Construction       *
*           Antenna Structure                     *
*****

```

Airspace User: David Kiser

File: DOUGLAS

Location: Douglas, AZ

Latitude: 31°-21'-54.02"                      Longitude: 109°-43'-1.57"

```

SITE ELEVATION AMSL.....4143 ft.
STRUCTURE HEIGHT.....199 ft.
OVERALL HEIGHT AMSL.....4342 ft.
SURVEY HEIGHT AMSL.....4342 ft.

```

### NOTICE CRITERIA

```

FAR 77.9(a): NNR (DNE 200 ft AGL)
FAR 77.9(b): NR (Exceeds Notice Slope, Maximum: 4214 ft.)
FAR 77.9(c): NNR (Not a Traverse Way)
FAR 77.9: NNR FAR 77.9 IFR Straight-In Notice Criteria for P03
FAR 77.9: NNR FAR 77.9 IFR Straight-In Notice Criteria for DUG
FAR 77.9(d): NNR (Off Airport Construction)

```

```

NR = Notice Required
NNR = Notice Not Required
PNR = Possible Notice Required (depends upon actual IFR procedure)
For new construction review Air Navigation Facilities at bottom
of this report.

```

Notice to the FAA is required because height exceeds Notice Slope criteria. The maximum height to avoid notice is 4214 ft AMSL.

### OBSTRUCTION STANDARDS

```

FAR 77.17(a) (1): DNE 499 ft AGL
FAR 77.17(a) (2): DNE - Airport Surface
FAR 77.19(a): DNE - Horizontal Surface
FAR 77.19(b): DNE - Conical Surface
FAR 77.19(c): DNE - Primary Surface
FAR 77.19(d): DNE - Approach Surface
FAR 77.19(e): DNE - Approach Transitional Surface
FAR 77.19(e): DNE - Abeam Transitional Surface

```

### VFR TRAFFIC PATTERN AIRSPACE FOR: P03: COCHISE COLLEGE

```

Type: A    RD: 6157.253    RE: 4153
FAR 77.17(a) (1): DNE
FAR 77.17(a) (2): DNE - Height No Greater Than 200 feet AGL.
VFR Horizontal Surface: DNE
VFR Conical Surface: DNE
VFR Primary Surface: DNE
VFR Approach Surface: DNE
VFR Transitional Surface: DNE

```

The structure is within VFR - Traffic Pattern Airspace Climb/Descent Area. Structures exceeding the greater of 350' AAE, 77.17(a) (2), or VFR horizontal and conical surfaces will receive a hazard determination from the FAA.



Maximum AMSL of Climb/Descent Area is 4496 feet.

VFR TRAFFIC PATTERN AIRSPACE FOR: DUG: BISBEE DOUGLAS INTL

Type: A RD: 47833.32 RE: 4082

- FAR 77.17(a) (1): DNE
- FAR 77.17(a) (2): DNE - Greater Than 5.99 NM.
- VFR Horizontal Surface: DNE
- VFR Conical Surface: DNE
- VFR Primary Surface: DNE
- VFR Approach Surface: DNE
- VFR Transitional Surface: DNE

TERPS DEPARTURE PROCEDURE (FAA Order 8260.3, Volume 4)  
 FAR 77.17(a) (3) Departure Surface Criteria (40:1)  
 The Maximum Height Permitted is 4307 ft AMSL

MINIMUM OBSTACLE CLEARANCE ALTITUDE (MOCA)  
 FAR 77.17(a) (4): DNE - No Airway Found

PRIVATE LANDING FACILITIES  
 No Private Landing Facilities Are Within 6 NM

AIR NAVIGATION ELECTRONIC FACILITIES

FAC	ST	DIST	DELTA	GRND	APCH	
IDNT	TYPE	AT	FREQ	VECTOR	(ft) ELEVA ST LOCATION	ANGLE BEAR
FCC	FCC MONITOR	Y		21.74	53121 +247 AZ DOUGLAS	.27
DUG	VORTAC	I	108.8	42.48	53126 +211 AZ DOUGLAS	.23
FHU	RADAR	ON		292.44	206716 -354 AZ SIERRA VISTA MUNI	-.1
ARH	TACAN	R	111.6	292.64	209826 -318 AZ FORT HUACHUCA	-.09

CFR Title 47, §1.30000-§1.30004  
 AM STUDY NOT REQUIRED: Structure is not near a FCC licensed AM station.  
 Movement Method Proof as specified in §73.151(c) is not required.  
 Please review 'AM Station Report' for details.

Nearest AM Station: ELSI @ 9059 meters.

Airspace® Summary Version 19.1.523

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02-25-2019  
 14:46:12

February 22, 2019

Ms. Jen Schaumburg  
Uniti - Project Manager  
10801 Executive Center Drive  
Shannon Building Suite 100  
Little Rock, AR 72211

RE: 190' Self-Supporting Tower for Douglas, AZ

Dear Ms. Schaumburg,

Upon receipt of order, we propose to design and supply the above referenced tower for an Ultimate Wind Speed of 105 mph with no ice, Structure Class II, Exposure Category C, and Topographic Category 1, in accordance with the Telecommunications Industry Association Standard ANSI/TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas" and ASCE 7-16.

When designed according to this standard, the wind pressures and steel strength capacities include several safety factors, resulting in an overall minimum safety factor of 25%. Therefore, it is highly unlikely that the tower will fail structurally in a wind event where the design wind speed is exceeded within the range of the built-in safety factors.

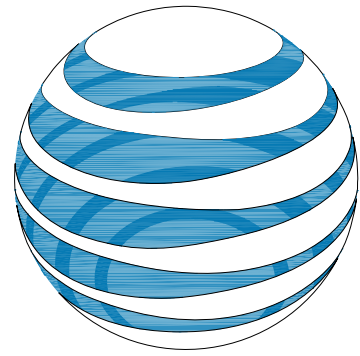
Should the wind speed increase beyond the capacity of the built-in safety factors, to the point of failure of one or more structural elements, the most likely location of the failure would be within one or more of the tower members in the upper portion. This would result in a buckling failure mode, where the loaded member would bend beyond its elastic limit (beyond the point where the member would return to its original shape upon removal of the wind load).

Therefore, it is likely that the overall effect of such an extreme wind event would be localized buckling of a tower section. Assuming that the wind pressure profile is similar to that used to design the tower, the tower is most likely to buckle at the location of the highest combined stress ratio in the upper portion of the tower. This would result in the portion of the tower above the failure location "folding over" onto the portion of the tower below the failure location. This would effectively result in a "zero radius fall zone" at ground level. **Please note that this letter only applies to the above referenced tower designed and manufactured by Sabre Towers & Poles.**

Sincerely,

Amy R. Herbst, P.E.  
Senior Design Engineer





**at&t**  
mobility corp.

**SITE ID: TBD (AZTUC2004)**  
**SITE NAME: DOUGLAS**

**FA# 10093301**

4545 W PAUL SPUR RD  
DOUGLAS, AZ 85607  
COCHISE COUNTY

Vendor:  
  
 10801 EXECUTIVE CENTER DR  
 SHANNON BLDG, STE 100  
 LITTLE ROCK, AR 72211

PREPARED FOR

ENGINEER:  
**Tectonic**  
PRACTICAL SOLUTIONS, EXCEPTIONAL SERVICE.  
 Tectonic Engineering Consultants P.C.  
 3923 South McClintock Drive  
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 www.tectonicengineering.com

TEC WO #: 9043.DOUGLAS  
 DRAWN BY: DAI  
 CHECKED BY: AHM

**AZTUC2004**  
**DOUGLAS**  
 4545 W PAUL SPUR RD  
 DOUGLAS, AZ 85607  
 COCHISE COUNTY

**FA#: 10093301**  
**PACE#:**  
**PT#:**

REV	DATE	DESCRIPTION
B	02/22/19	TOP OF LIGHTNING ROD
A	01/25/19	FOR COMMENT

IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SHEET TITLE:  
**TITLE SHEET**

SHEET NUMBER:  
**T-1**

SITE INFORMATION	
SITE ADDRESS:	4545 W PAUL SPUR RD DOUGLAS, AZ 85607
LATITUDE (NAD 83):	N 31° 21' 54.02" ( 31.365010° )
LONGITUDE (NAD 83):	W 109° 43' 01.57" (-109.717100°)
GROUND ELEVATION:	4142.8' (AMSL)
JURISDICTION:	COCHISE COUNTY
JURISDICTION CONTACT:	PAUL ESPARZA (820) 432-9240
ZONING:	SPECIAL USE
PARCEL/MAP NUMBER:	407-61-023H
PARCEL OWNER:	BRASHER, LARRY W & ANNE M 3865 W HIGHWAY 80 DOUGLAS, AZ 85607
TOWER OWNER:	UNITI TOWERS, LLC 10801 EXECUTIVE CENTER DRIVE SHANNON BLDG, STE 100 LITTLE ROCK, AR 72211
STRUCTURE TYPE:	SELF SUPPORT TOWER
STRUCTURE HEIGHT:	190.0' (AGL)
POWER SUPPLIER:	ARIZONA PUBLIC SERVICE TBD TBD REF # TBD
TELCO SUPPLIER:	CENTURY LINK TBD TBD REF # TBD



DIRECTIONS

FROM AT&T OFFICE:  
 TBD

CODE COMPLIANCE

ALL WORK AND MATERIALS SHALL BE PERFORMED AND INSTALLED IN ACCORDANCE WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY THE LOCAL GOVERNING AUTHORITIES. NOTHING IN THESE PLANS IS TO BE CONSTRUED TO PERMIT WORK NOT CONFORMING TO THE LATEST EDITIONS OF THE FOLLOWING CODES.

- 2012 BUILDING CODE
- 2011 NATIONAL ELECTRICAL CODE
- 2009 NFPA 101, LIFE SAFETY CODE
- 2009 IFC
- AMERICAN CONCRETE INSTITUTE
- AMERICAN INSTITUTE OF STEEL CONSTRUCTION
- MANUAL OF STEEL CONSTRUCTION 13TH EDITION
- ANSITIA-222-G
- TIA 607
- INSTITUTE FOR ELECTRICAL & ELECTRONICS ENGINEER 81
- IEEE C2 NATIONAL ELECTRIC SAFETY CODE LATEST EDITION
- TELECORDIA GR-1275
- ANSIT 311

DRAWING INDEX	
T-1	TITLE SHEET
LS-1	SURVEY BOUNDARY DETAIL
LS-2	SURVEY DETAIL
C-1	SITE PLAN
C-2	COMPOUND PLAN
C-3	ELEVATIONS
C-4	ANTENNA PLAN AND RF SCHEDULE

DRAWING SCALE

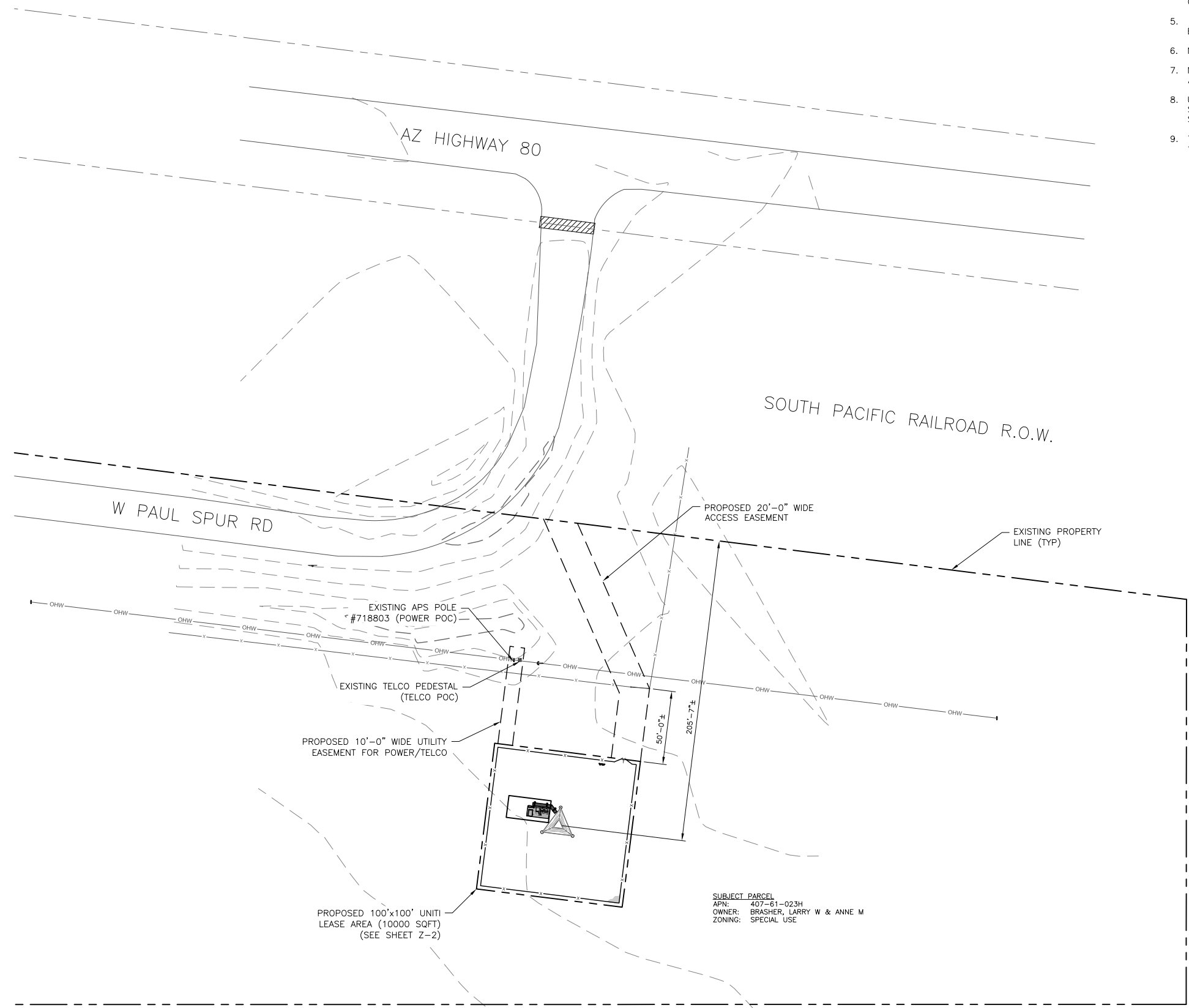
THESE DRAWINGS ARE SCALED TO FULL SIZE AT 22"X34" AND HALF SIZE AT 11"X17". CONTRACTOR SHALL VERIFY ALL PLANS AND EXISTING DIMENSIONS AND CONDITIONS ON THE JOB SITE AND SHALL IMMEDIATELY NOTIFY THE DESIGNER / ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR MATERIAL ORDERS OR BE RESPONSIBLE FOR THE SAME. CONTRACTOR SHALL USE BEST MANAGEMENT PRACTICE TO PREVENT STORM WATER POLLUTION DURING CONSTRUCTION.

SCOPE OF WORK

THIS PROJECT CONSISTS OF:

- TBD

PROJECT TEAM	
APPLICANT:	AT&T MOBILITY CORPORATION TBD TBD
PROJECT MANAGEMENT FIRM:	UNITI TOWERS, LLC 10801 EXECUTIVE CENTER DRIVE SHANNON BLDG, STE 100 LITTLE ROCK, AR 72211 (501) 398-9716
A+E FIRM:	TECTONIC ENGINEERING CONSULTANTS P.C. 3923 S McCLINTOCK DR STE 409 TEMPE, AZ 85282 ADRIAN MASSIE, P.E. (480) 629-5533
LEASING AND ZONING:	TECTONIC ENGINEERING CONSULTANTS P.C. 3923 S McCLINTOCK DR STE 409 TEMPE, AZ 85282 CARMELINA SCIGLIANO (520) 241-2388



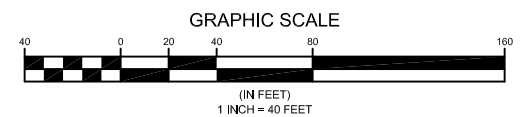
1 SITE PLAN  
C-1 SCALE: 1" = 40'

**GENERAL NOTES**

1. EXISTING FEATURES SHOWN ARE BASED ON FIELD SURVEY BY RLF CONSULTING PERFORMED 12/21/18 AND IS LIMITED TO FEATURES OF INTEREST.
2. THIS PLAN IS NOT A BOUNDARY SURVEY. PROPERTY BOUNDARY INFORMATION SHOWN IS FOR REFERENCE ONLY. RLF CONSULTING DID NOT VERIFY BOUNDARY AS PART OF THIS SURVEY. DEED BEARING AND DISTANCE IN PARENTHESIS.
4. VERTICAL DATUM IS NAVD88 BASED ON GPS OBSERVATIONS REFERENCED TO THE NGS CORS NETWORK.
5. HORIZONTAL DATUM IS NAD 83, STATE PLANE COORDINATES OF ARIZONA AND ESTABLISHED GPS OBSERVATIONS REFERENCED TO THE NGS CORS NETWORK.
6. NO WETLANDS INVESTIGATION WAS PERFORMED AS PART OF THIS SURVEY.
7. NO INVESTIGATION OF THE PRESENCE OF HAZARDOUS MATERIALS WAS PERFORMED AS A PART OF THIS SURVEY.
8. UTILITIES SHOWN PER FIELD LOCATIONS FROM ABOVE GROUND INSPECTION OF THE SITE AND UTILITY MARK-OUTS IN THE FIELD. UTILITIES THAT EXIST MAY NOT BE SHOWN.
9. THIS PLAN WAS PREPARED WITH THE BENEFIT OF A TITLE REPORT PREPARED BY US TITLE SOLUTIONS DATED 9/17/18 FILE NO. 61481-AZ1808-5039.

LEGEND	
	PROPERTY LINE - SUBJECT PARCEL
	EXISTING SETBACK LINE
	PROPOSED LEASE AREA
	PROPOSED EASEMENT
	PROPOSED FENCE LINE
	EXISTING ROAD
	EXISTING OVERHEAD UTILITIES
	EXISTING BUILDING

ZONING INFORMATION	
JURISDICTION:	COCHISE COUNTY
ZONING:	RU-4
TOWER SETBACKS TO PROPERTY LINES: (FROM TOWER CENTER)	
NORTH:	215' - 11"±
SOUTH:	111' - 6"±
WEST:	1924' - 9"±
EAST:	426' - 7"±



Vendor:  
  
 10801 EXECUTIVE CENTER DR  
 SHANNON BLDG, STE 100  
 LITTLE ROCK, AR 72211

PREPARED FOR

ENGINEER:  
  
 PRACTICAL SOLUTIONS, EXCEPTIONAL SERVICE.  
 Tectonic Engineering Consultants P.C.  
 3923 South McClintock Drive  
 Suite 407  
 Tempe, AZ 85282  
 Phone: (480) 429-5533  
 (800) 829-6531  
 www.tectoniceengineering.com

TEC WO #: 9043.DOUGLAS  
 DRAWN BY: DAI  
 CHECKED BY: AHM

AZTUC2004  
 DOUGLAS  
 4545 W PAUL SPUR RD  
 DOUGLAS, AZ 85607  
 COCHISE COUNTY

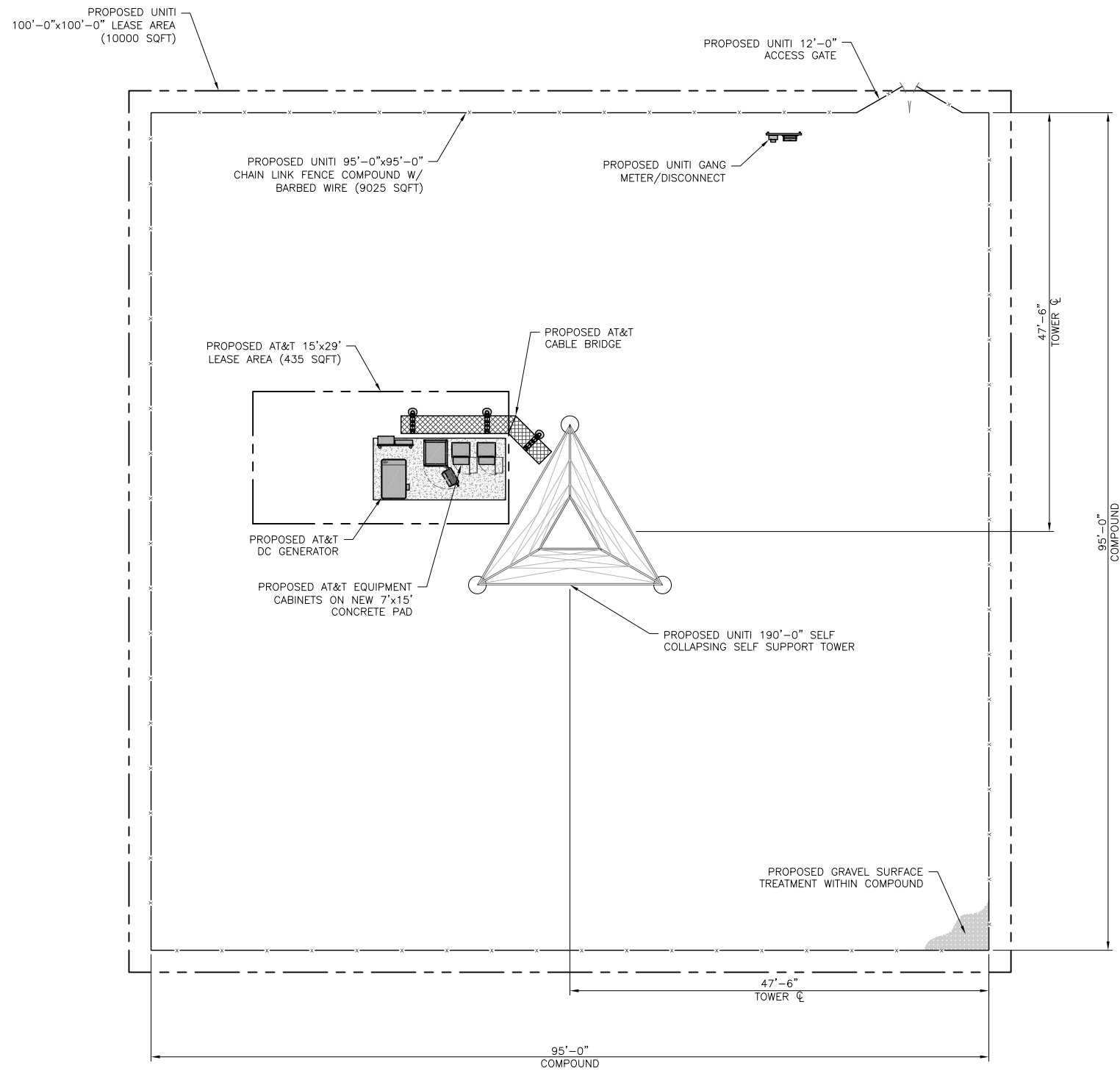
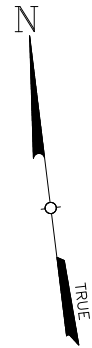
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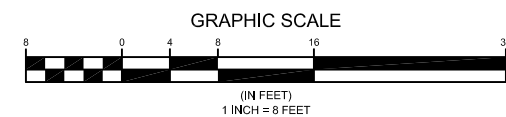
IT IS A VIOLATION OF LAW FOR ANY PERSON, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER, TO ALTER THIS DOCUMENT.

SHEET TITLE:  
**SITE PLAN**

SHEET NUMBER:  
**C-1**



1  
C-2  
**COMPOUND PLAN**  
SCALE: 1" = 8'



Vendor:  
  
 10801 EXECUTIVE CENTER DR  
 SHANNON BLDG, STE 100  
 LITTLE ROCK, AR 72211

PREPARED FOR  


ENGINEER:  
  
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AZTUC2004  
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 DOUGLAS, AZ 85607  
 COCHISE COUNTY

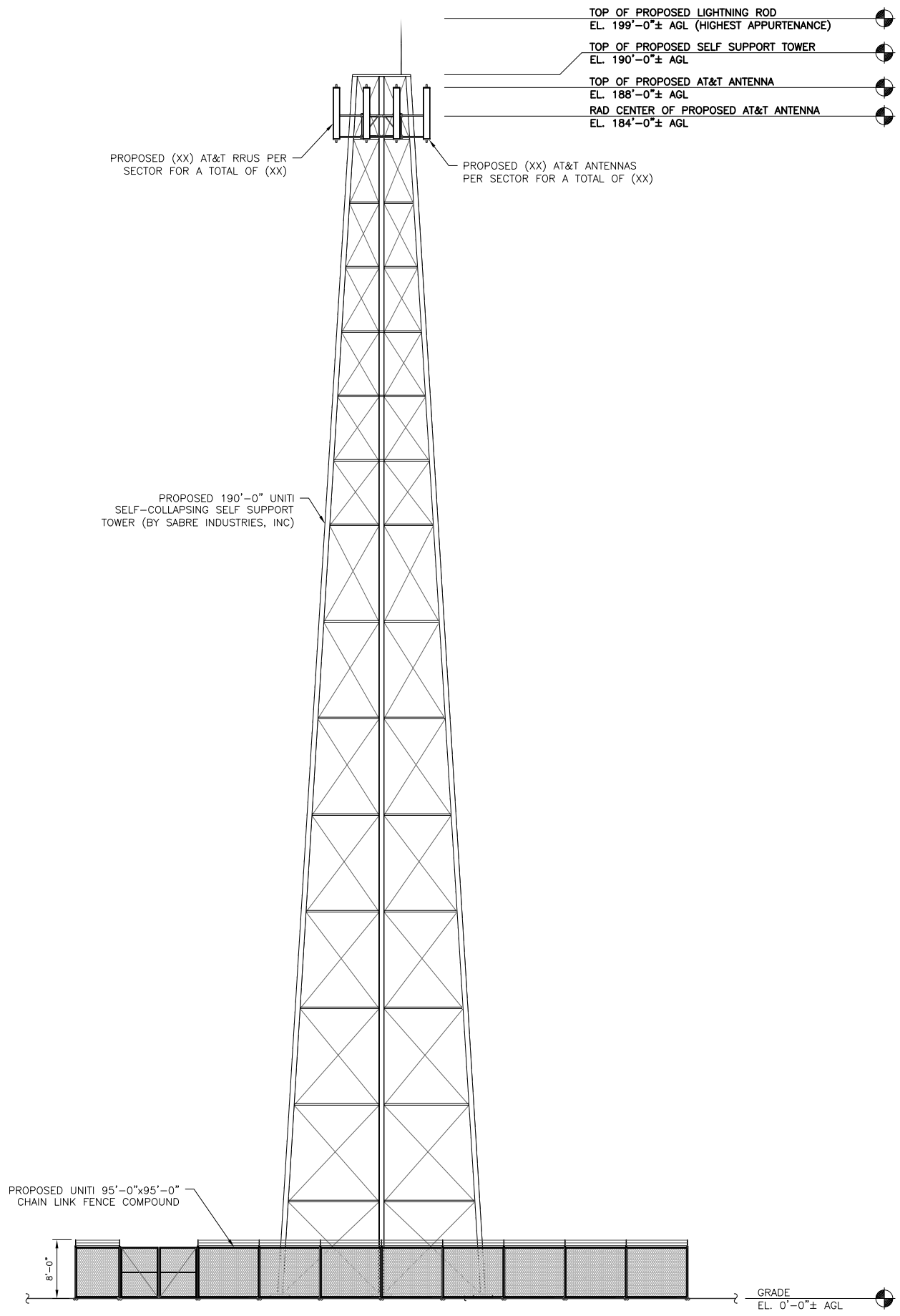
FA#: 10093301  
 PACE#:  
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REV	DATE	DESCRIPTION
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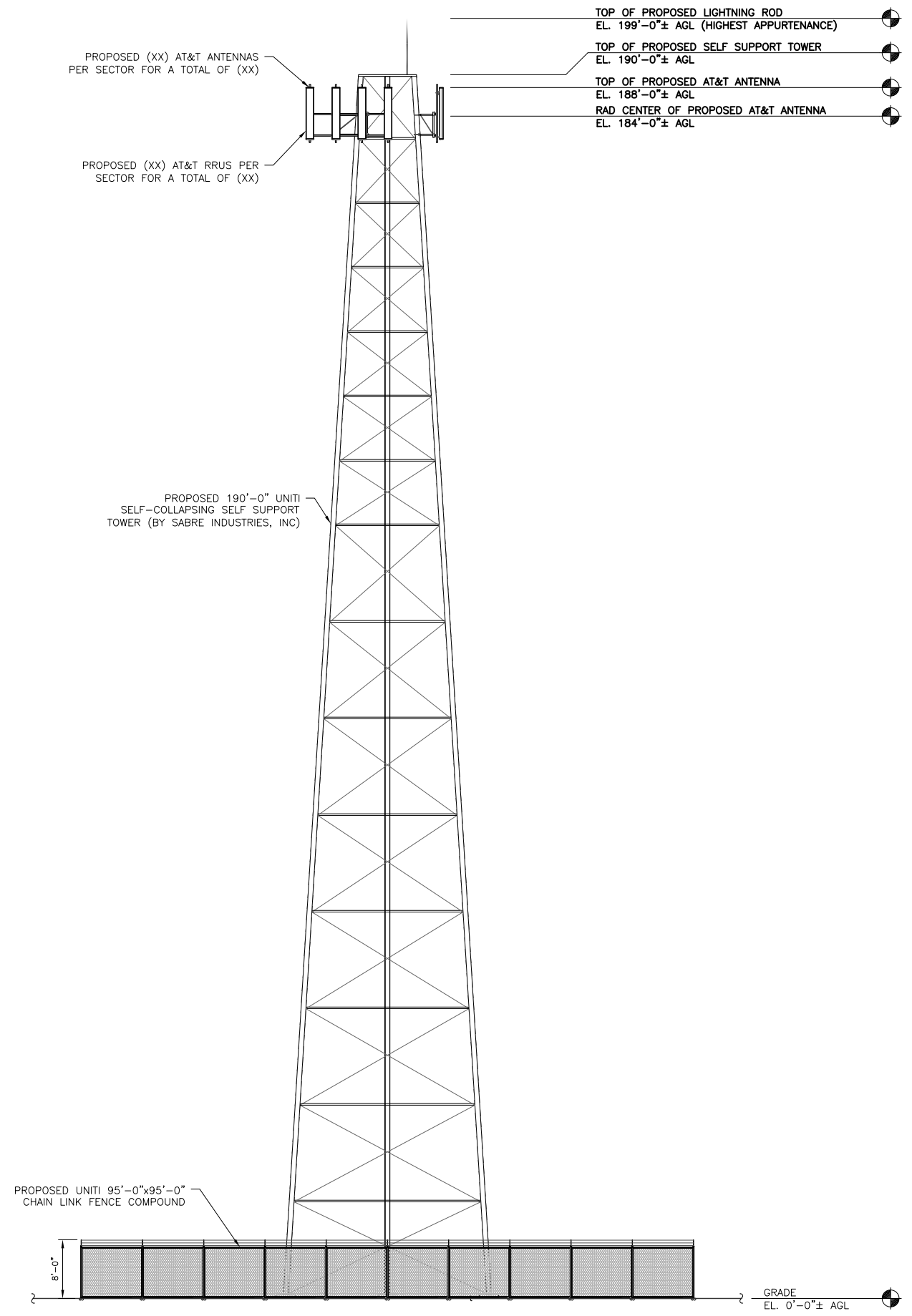
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SHEET TITLE:  
**COMPOUND PLAN**

SHEET NUMBER:  
**C-2**



1 NORTH ELEVATION  
 C-3 SCALE: 3/32" = 1'-0"



2 EAST ELEVATION  
 C-3 SCALE: 3/32" = 1'-0"

Vendor:

10801 EXECUTIVE CENTER DR  
 SHANNON BLDG, STE 100  
 LITTLE ROCK, AR 72211

PREPARED FOR

ENGINEER:

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AZTUC2004  
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 COCHISE COUNTY

FA#: 10093301  
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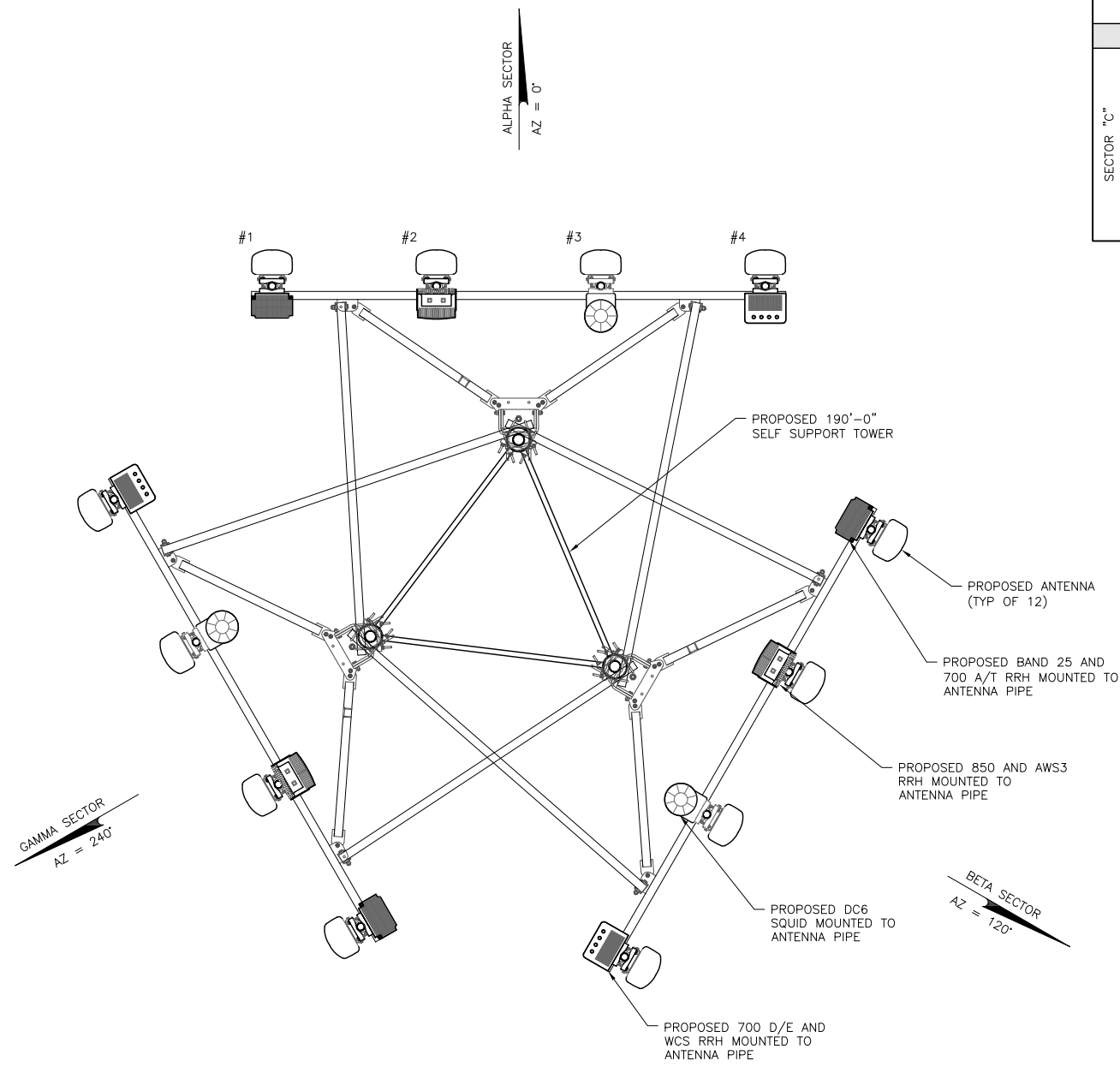
SHEET TITLE:

**ELEVATIONS**

SHEET NUMBER:

**C-3**

RF SCHEDULE										
SECTOR	ANTENNA MODEL NO.	AZIMUTH	RAD CENTER	RRU	TMA	FIBER LENGTH	COAX LENGTH	COAX DIA.	NO.	
SECTOR "A"	1	SBNHH-1D65C	0'	184-0"±	(1) RRH	-	200'-0"±	200'-0"±	X"	X
				(1) RRH						
	2	SBNHH-1D65C	0'	184-0"±	--	-	200'-0"±	200'-0"±	X"	X
					--					
SECTOR "B"	1	SBNHH-1D65C	120'	184-0"±	(1) RRH	-	200'-0"±	200'-0"±	X"	X
				(1) RRH						
	2	SBNHH-1D65C	120'	184-0"±	--	-	200'-0"±	200'-0"±	X"	X
					--					
SECTOR "C"	1	SBNHH-1D65C	240'	184-0"±	(1) RRH	-	200'-0"±	200'-0"±	X"	X
				(1) RRH						
	2	SBNHH-1D65C	240'	184-0"±	--	-	200'-0"±	200'-0"±	X"	X
					--					
SECTOR "C"	3	SBNHH-1D65C	240'	184-0"±	(1) RRH	-	200'-0"±	200'-0"±	X"	X
				(1) RRH						
	4	SBNHH-1D65C	240'	184-0"±	(1) RRH	-	200'-0"±	200'-0"±	X"	X
				(1) RRH						



1 ANTENNA PLAN  
C-4 SCALE: 1/2" = 1'-0"

Vendor:  
  
 10801 EXECUTIVE CENTER DR  
 SHANNON BLDG, STE 100  
 LITTLE ROCK, AR 72211

PREPARED FOR

ENGINEER:  
  
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SHEET TITLE:  
**ANTENNA PLAN AND RF SCHEDULE**

SHEET NUMBER:  
**C-4**

Special Use Docket SU-19-04 (Uniti Towers)



YES, I SUPPORT THIS REQUEST

Please state your reasons:

Cell Towers are vital to our society & modern life. In this location cannot possibly harbor anyone. A TOWER

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Wayne Ratzschm

SIGNATURE(S):

Wayne Ratzschm

YOUR TAX PARCEL NUMBER:

407-63-008

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning Commission. Submission of this form or any other correspondence 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 no later than 4 PM on Monday April 1, 2019 to be included in the staff report to the Commission in order for them to consider the comments before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still send email comments, or phone Robert Kirschmann at the contact information listed on page one by April 09, 2019 to have your support or non-support noted verbally noted at the meeting; or you may personally make a statement at the public hearing on April 10, 2019. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO:

Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

## **SUMMARY OF COCHISE COUNTY DEPARTMENT COMMENTS**

**Docket: SU-19-04 (Uniti Towers)**

**Floodplain:**

Material has been filled along drainage ditch that is proposed as crossing/entrance. So as not to allow materials to be washed out, please provide a Culvert crossing or, low concrete crossing and demonstrate (Analysis) that those improvements will not result in damage to proposed parcel or adjacent parcels.

**Highway:**

ROW Permit required; complete plans for proposed access drive required. As noted per Floodplain comments, someone has placed fill material in a drainage ditch, and that situation will need to be remedied; it will not be allowed in the permanent access.

**ROW:**

See attached Memo

**From:** [Murphy, Teresa](#)  
**To:** [Kirschmann, Robert](#)  
**Subject:** RE: SU-19-04 (Uniti Towers)  
**Date:** Monday, March 25, 2019 5:41:47 PM

---

Robert-

I wanted to let you know I have talked to the property owner and they are willing to donate the necessary right-of-way for Paul Spur Road. Unfortunately, our survey department is busy with other projects and it will be at least 3 weeks until they can collect data to draft a legal description for the deed of dedication. I will mail the property owners the deed of dedication and an intent to dedicate so the Special Use Authorization can continue without right-of-way/survey holding up the process.

## Teresa Murphy

---

**From:** Murphy, Teresa  
**Sent:** Monday, March 11, 2019 1:30 PM  
**To:** Kirschmann, Robert <[RKirschmann@cochise.az.gov](mailto:RKirschmann@cochise.az.gov)>  
**Subject:** RE: SU-19-04 (Uniti Towers)

Robert,

We need to perfect the right-of-way for Paul Spur, 80-100 feet.

## Teresa Murphy

---

**From:** Kirschmann, Robert  
**Sent:** Thursday, February 28, 2019 4:05 PM  
**To:** Hasan, Mohd R <[mhasan@cochise.az.gov](mailto:mhasan@cochise.az.gov)>; Watkins, Jackie <[JWatkins@cochise.az.gov](mailto:JWatkins@cochise.az.gov)>; Solis, Joaquin <[JSolis@cochise.az.gov](mailto:JSolis@cochise.az.gov)>; Simmons, Bradley A <[bsimmons@cochise.az.gov](mailto:bsimmons@cochise.az.gov)>; Murphy, Teresa <[TMurphy@cochise.az.gov](mailto:TMurphy@cochise.az.gov)>; Garcia, Teresa M <[TGarcia@cochise.az.gov](mailto:TGarcia@cochise.az.gov)>; Cratsenburg, Diane E <[dcratsenburg@cochise.az.gov](mailto:dcratsenburg@cochise.az.gov)>; Esparza, Paul <[PEsparza@cochise.az.gov](mailto:PEsparza@cochise.az.gov)>; Orduno, Elda E <[EOrduno@cochise.az.gov](mailto:EOrduno@cochise.az.gov)>; Capas, Carol <[CCapas@cochise.az.gov](mailto:CCapas@cochise.az.gov)>; Pregler, Lola R <[LPregler@cochise.az.gov](mailto:LPregler@cochise.az.gov)>; George Castillo <[GCastillo@bisbeeaz.gov](mailto:GCastillo@bisbeeaz.gov)>; [pep@azgfd.gov](mailto:pep@azgfd.gov); [spuzas@azdot.gov](mailto:spuzas@azdot.gov)  
**Cc:** Coxworth, Daniel <[dcoxworth@cochise.az.gov](mailto:dcoxworth@cochise.az.gov)>; Gardner, Peter B <[PGardner@cochise.az.gov](mailto:PGardner@cochise.az.gov)>; BOS-Supervisors <[BOSSupervisors@cochise.az.gov](mailto:BOSSupervisors@cochise.az.gov)>  
**Subject:** SU-19-04 (Uniti Towers)

Good afternoon,

We have received a new application for a 199 foot tall communication tower off of Paul Spur Road. Please have comments back to me no later than March 25, 2019.

The project has also been uploaded to share point for internal responses to the transmittal.

Best regards,



**Cochise County**  
**Community Development**  
**Highway and Floodplain Division**

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

## INTEROFFICE MEMO

**Date:** March 11, 2019  
**To:** Robert Kirschmann, Planner II  
**From:** Teresa Murphy, Right-of-Way Agent  
**Subject:** SU-19-04 (Uniti Towers)

### Background:

The Applicant requests a Special Use Authorization to approve a 199-foot tall, self-supporting wireless communications tower. The 184-acres site, 407-61-023H, is located at the intersection of State Highway 80 and W. Paul Spur Road and is zoned RU-4. In a rural zoning district, towers greater than 30-feet in height require Special Use Authorization.

Right-of-Way Staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

### Analysis:

- Access via Paul Spur Road
- Paul Spur Road is a County Maintained Road (MI# 761)
  - Classified as a Minor Access Local Road, low volume, which per Cochise County Road Standards has a right-of-way width between 60 and 80 feet.
  - ADT 77 (2018)

### Recommendation:

- Further right-of-way dedication is required for Paul Spur Road at this time.

**Highway and Floodplain**  
1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9337 fax  
1-800-752-3745  
highway@cochise.az.gov  
floodplain@cochise.az.gov

**Planning, Zoning and Building Safety**  
1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
1-877-777-7958  
planningandzoning@cochise.az.gov

**P&Z Agenda Template**

**6. 4.**

**Meeting Date:** 04/10/2019

Z-19-02 and SU-19-05 (Dollar General)

**Submitted By:** Robert Kirschmann, Community Development

**Department:** Community Development

**Division:** Development Services

**Presentation:** No A/V Presentation

**NAME** Robert Kirschmann

**of PRESENTER:**

**TITLE** Planner II

**of PRESENTER:**

**Agenda Item Text:**

Z-19-02 and SU-19-05 (Dollar General) The Applicant requests a Special Use Authorization to approve a 9,100 square foot Dollar General Store and a Rezoning Application to change the designation from RU-4 to RU-2.

**Background:**

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.

**Attachments**

Staff Report

Application, Site Plan and Maps

Public Comments

Agency Comments



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

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

**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.

**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



**Planning, Zoning and Building Safety**  
 1415 Melody Lane, Building E  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9278 fax  
 1-877-777-7958  
 planningandzoning@cochise.az.gov

**Highway and Floodplain**  
 1415 Melody Lane, Building F  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9337 fax  
 1-800-752-3745  
 highway@cochise.az.gov  
 floodplain@cochise.az.gov





#### **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 then 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 with 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 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.

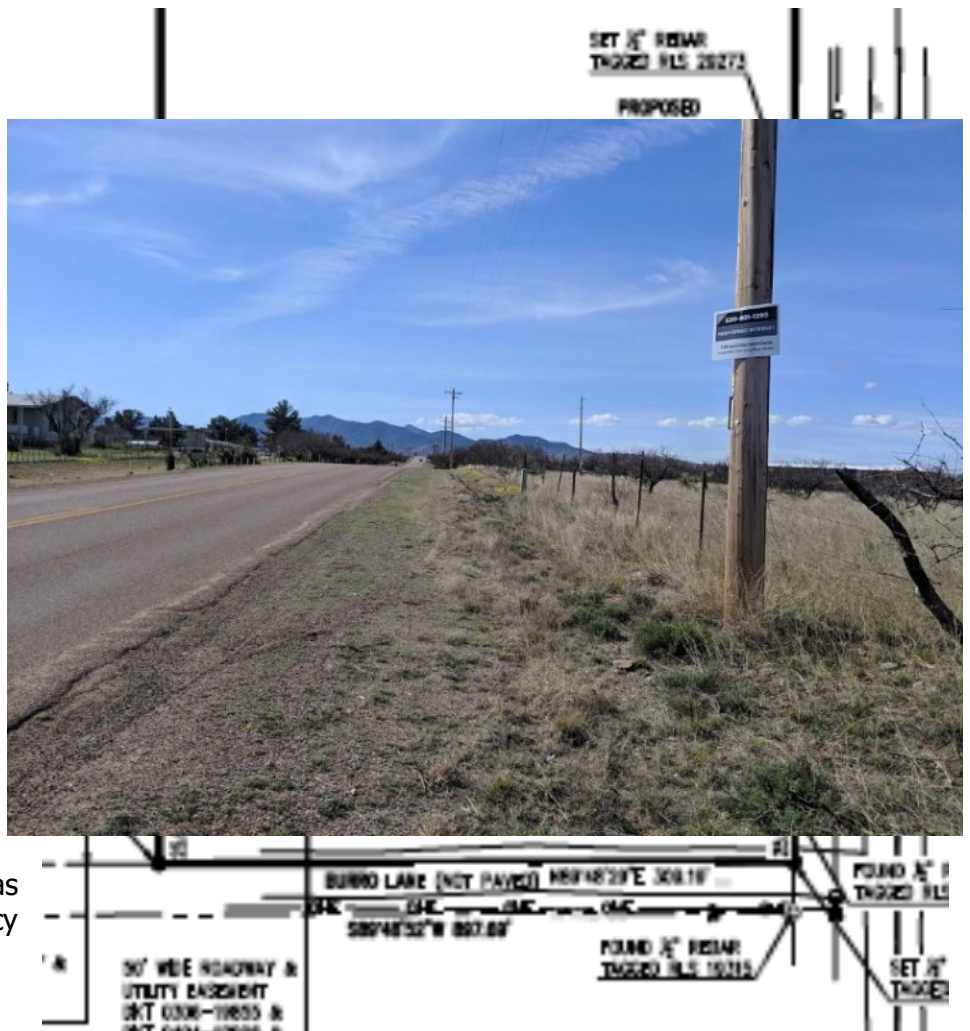
Traffic counts were taken on Mescal Road, approximately ¼ of a mile north of the proposed Dollar General in 2018. At the point the Annual Average Daily Traffic (AADT) was 965, 479 north bound and 485 south bound. Mescal Road is a two lane county collector. The Applicant has been conditioned to dedicate 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. A stripped crosswalk and associated signage shall be installed to the satisfaction of the County Engineer.
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. 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.*



**COCHISE COUNTY  
COMMUNITY DEVELOPMENT**

*"Public Programs...Personal Service"*

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

TAX PARCEL NUMBER

APPLICANT

ADDRESS

CONTACT TELEPHONE NUMBER

EMAIL ADDRESS:

PROPERTY OWNER (IF OTHER THAN APPLICANT)

ADDRESS

DATE SUBMITTED

Special Use Permit Public Hearing Fee (if applicable) \$

Building/Use Permit Fee \$

**Total paid** \$

-----  
**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 Uniform 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. 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.)

6. 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? VACANT

2. What is the proposed use or improvement? RETAIL STORE

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? THE ONLY ACTIVITIES ARE RELATED

TO SHOPPING AT A RETAIL STORE. THE ACTIVITY SHOULD NOT AFFECT NEIGHBORING PROPERTIES

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

GENERAL RETAIL ITEMS WILL BE SOLD.

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)

METAL BUILDING WITH 4-SIDED EIFS FINISH.  
TYPE II B CONSTRUCTION. MERCHANDISE BUILDING.

6. Will the project be constructed/completed within one year or phased? One Year  YES  
Phased  if phased, describe the phases and depict on the site plan.

[Empty text box]  
[Empty text box]

7. Provide the following information (when applicable):

A. Days and hours of operation: Days:  7 Hours (from  8 AM to  9 PM)

B. Number of employees: Initially:  8-12 Future:  8-12  
Number per shift Seasonal changes [Empty text box]

C. Total average daily traffic generated:

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

A DAILY TOTAL OF 521 VEHICLES WILL ENTER AND LEAVE THE SITE

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

A 73' TRUCK AND TRAILER WILL DELIVER GOODS AS NEEDED. NOT DAILY. AS NEEDED

[Empty text box]

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

ABOUT HALF OF THE TRAFFIC WILL TRAVEL NORTH AND HALF SOUTH ON MESCAL ROAD.

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

50% NORTH AND 50% SOUTH.

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

PEAK HOURS ARE BETWEEN 9 AND 10 AM AND BETWEEN 3 AND 4 PM

[Empty text box]

Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

D. Estimated total gallons of water used: per day  819 per year  298,975

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.

G. 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. 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.

H. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached  NA

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	MESCAL LAKES WATER COMPANY	IF PROVIDED
Sewer/Septic	SEPTIC	NEW SEPTIC SYSTEM
Electricity	SULPHUR SPRINGS VALLEY ELECTRIC	ONSITE SERVICE LINE
Natural Gas	SW GAS	NOT USED
Telephone	CENTURYLINK COMMUNICATIONS	ONSITE SERVICE LINE
Fire Protection	MESCAL J-6 FIRE DISTRICT	IF PROVIDED

**SECTION B - Outdoors Activities/Off-site Impacts**

1. Describe any activities that will occur outdoors.

NO OUTDOOR ACTIVITIES

\_\_\_\_\_

\_\_\_\_\_

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?

MINIMAL NOISE DURING TRASH PICK-UP AND DELIVERY.

SOME SCREEN WALLS AS NEEDED.

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. *CONFORMS TO LOCAL LIGHTING CODE.*

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.  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)

ASPHALT

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.

SEE ATTACHED TYPICAL PLUMBING FIXTURE SCHEDULE.

RETENTION AND DETENTION WILL BE PROVIDED AS NEEDED.

XERISCAPE LANDSCAPE TO REDUCE IRRIGATION

2. How many acres will be cleared?

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.)

FIBER ROLLS WILL BE USED AS NEEDED ALONG THE PERIMETER.

**SECTION D - Hazardous or Polluting Materials**

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials?

Yes  No  If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

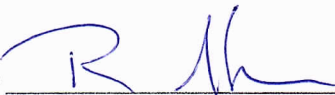
**Note:** Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

**Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality 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  FOR DCM DEVELOPMENT

Print Applicant's Name 

Russ Salman	DCM
-------------	-----

Date signed 

2/28/2019
-----------



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## Special Use Project Application

### Applicant's Certification & Acknowledgement

By signing below, I certify that:

1. I am the Owner or authorized Agent of the Owner of the property being developed.
2. I am applying for the meetings/ review(s) indicated below.
3. I have read and understand the information provided in this Application Guide.
4. This application is complete and accurate to the best of my knowledge. Submission of false information may constitute fraud, and may be punishable by fine, imprisonment, or both pursuant to A.R.S. §13-2310.
5. I hereby request all inspections necessary to process this application, and if the permit is issued I request all inspections necessary to monitor progress, and document completion, at all stages of the work related to this permit.

By signing below, I acknowledge that:

6. Incomplete or inaccurate submittals by the Owner, Applicant or any other representative may result in delays, return of submittals, or denial of this application.
7. The submittal is subject to an administrative review of 10-business days (5-business days initial review, 5-business days resubmittal review) at which time I will receive written or electronic notice if the application is complete or, in the case of an incomplete application, a list of deficiencies that need to be corrected. An application will not pass the review for administrative completeness until all deficiencies have been corrected.
8. If the County does not issue a written or electronic notice of administrative completeness within the 10-business days, the application will be deemed administratively complete and the substantive review process begins.
9. The overall review time is 130-business days.
10. The substantive review process is 120-business days.

By signing below, I acknowledge that:

11. A complete response to any correspondence will be submitted to Cochise County for any subsequent reviews.
12. The Applicant or Agent will be sent written or electronic notice of a license approval or denial within the substantive review period.
13. All required permits must be obtained prior to any construction and that failure to obtain permits may result in fines or other penalties.
14. The Applicant or Agent is responsible for all changes and additional time required to correct plans and/or development as a result of differences between the proposed use and what is permitted in the zoning district in which the property lies.
15. The project review process and timeframe is suspended when a project triggers the requirement for an application for approval by an Outside Agency, the Planning and Zoning Commission, and/or the Board of Supervisors. If either the Planning and Zoning Commission or the Board of Supervisors approves the request contained in the application, then Community Development Department will resume the project review process. If the Board of Supervisors denies the request, then the Community Development Department will consider the project to be denied.

By signing below, I acknowledge that:

16. An appeal protesting any denial of an application may be made to Cochise County Community Development Department, Planning Division Deputy Director, Beverly Wilson, 1415 Melody Lane, Bldg. E. Bisbee, Arizona 85603. The appeal shall set forth all relevant facts pertaining to the denial, and must be in writing. It must be filed within ten-days from the date of the denial letter.
17. If the County does not issue to the Applicant the written or electronic notice granting or denying a license within the **overall** time frame or within the mutually agreed upon time frame extension, the county SHALL refund the Applicant all fees charged for reviewing the applications and SHALL excuse any fees not yet paid. The refund SHALL be made within 30-working days after the expiration of the agreed upon time frame pursuant A.R.S. § 11-1605(J).

[Redacted Signature Line]

Signature



Date

2-27-19

[Redacted Name Line]

Print Name/Firm

Owner

Agent



**Cochise County**  
**Community Development**  
**Planning, Zoning and Building Safety Division**  
*Public Programs...Personal Service*  
www.cochise.az.gov

**COCHISE COUNTY REZONING APPLICATION**

Submit to: Cochise County Community Development Department  
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: DCM DEVELOPMENT COMPANY, LLC

2. Mailing Address: 4122 EAST GRANT ROAD

TUCSON ARIZONA 85712  
City State Zip Code

3. Telephone Number of Applicant: 588-1212

4. Telephone Number of Contact Person if Different: \_\_\_\_\_

5. Email Address: dave@lechnerconstruction.us

6. Assessor's Tax Parcel Number: 124 - 05 - 003N (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): RAUN TREJO AND MARGARET TREJO

8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:

**Planning, Zoning and Building Safety**  
1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
1-877-777-7958  
planningandzoning@cochise.az.gov

**Highway and Floodplain**  
1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9337 fax  
1-800-752-3745  
highway@cochise.az.gov  
floodplain@cochise.az.gov

- 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

- 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: RU-4

14. Indicate proposed Zoning District for Property: RU-2

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 (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: RURAL (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: \_\_\_\_\_

9100 SF RETAIL BUILDING

---

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?

MESCAL ROAD

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? 1

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	MESCAL LAKES WATER COMPANY	IF PROVIDED
Sewer/Septic	SEPTIC	NEW SEPTIC SYSTEM
Electricity	SULPHUR SPRINGS VALLEY ELEC.	ONSITE SERVICE LINE
Natural Gas	SW GAS	NOT USED
Telephone	CENTRAL LINK COMMUNICATIONS	ONSITE SERVICE LINE
Fire Protection	MESCAL JB FIRE DISTRICT	IF REQUIRED

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).

PROJECT FALLS UNDER COCHISE COUNTY SPECIAL USE

CONDITIONS. IT IS BENEFICIAL TO THE COMMUNITY AND

PROVIDES A REDUCTION IN DISTANCE AND TRAVEL TO OBTAIN

GENERAL RETAIL/HOUSEHOLD NECESSITIES. PROVIDES POTENTIAL

ADDITIONAL EMPLOYMENT IN COMMUNITY.

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: [Signature]

Date: 2-27-19

**CONSENT SIGNATURE FORM**

## JAS ENGINEERING

Jeffrey A. Stanley, P.E.  
P.O. Box 1888  
Tucson, Arizona 85702  
Telephone (520) 390-7920  
[stanley19263@msn.com](mailto:stanley19263@msn.com)

February 28, 2019

Robert Kirschmann, Planner II  
Cochise County Development Services  
1415 Melody Lane, Building E  
Bisbee, Arizona 85603

Re: Parcel 124-05-003N  
Rezoning Narrative

Dear Robert:

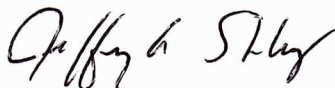
This letter accompanies a rezoning request by DCM Development for the referenced parcel. The request is to rezone the parcel from one RU-4 lot to two RU-2 lots. The following is an item by item narrative that corresponds to the 15 Rezoning Evaluation Factors listed in the rezoning application.

1. **Application.** A Concept Plan accompanies the application. The concept plan shows the proposed layout of the Dollar General Store (Retail) with parking and drive areas, loading, xeriscape landscape, and septic area.
2. **Compliance with Site Development Standards.** Each lot will meet site development standards for the RU-2 zone. Both lots will be a minimum of 2.0 acres. One lot will be developed as a Dollar General Store with proper setbacks, lot coverage, driveway width, parking and ADA-access requirements. The second lot will remain for residential use.
3. **Adjacent Districts Remain Capable of Development.** Adjacent parcels will be able to meet lot size and development standards.
4. **Limitation on Creation of Non-Conforming Uses.** No non-conforming uses will be created.
5. **Compatibility with Existing Development.** The proposed retail store is compatible with the residential uses in the vicinity.
6. **Rezonings to More Intense Districts.** The proposed RU-2 zone is a reasonable extension to the SR-8 zoned land to the north, RU-4 land to the west and south, and the MH-72 land across Mescal Road from the site. Screening will be provided as required.

7. **Adequate Services and Infrastructure.** There is adequate infrastructure to serve the proposed development. Mescal Road is a paved roadway with one lane of traffic in each direction. The site is expected to generate a peak hourly rate of about 28 vehicular trips into or out of the proposed retail store development. Mescal Road is adequate to handle the volume and nature of the trip generation.
8. **Traffic Circulation Criteria.** The rezoning is consistent with preservation of the functions of surrounding streets by:
  - Encourages development in an area with access to existing infrastructure.
  - Maintain infrastructure to meet existing and future economic development needs.Consideration has been made of future circulation needs in that there is an expected right-of-way dedication for 25-feet to the Burro Lane right-of-way.
9. **Development Along Major Streets.** A single access point will be provided along Mescal Road.
10. **Infill.** Not applicable.
11. **Unique Topographic Features.** There are not any real unique topographic features. There is a small wash on the west side of the site. The development will not occur in the wash.
12. **Water Conservation.** The retail store is a low water usage project. Low flow plumbing fixtures will be utilized. Retention and/or detention will be provided as needed.
13. **Public Input.** A letter has been sent to all neighbors within one mile of the project site. Public input was solicited within the letter
14. **Hazardous Materials.** Not applicable.
15. **Compliance with Comprehensive Plan Policies.** The proposed uses (single family residential and retail store) are designed to be in substantial conformance with the comprehensive plan land use designations and policies.

We believe that the proposed use is very appropriate for the area. If there are any questions I can be reached at [stanley19263@msn.com](mailto:stanley19263@msn.com).

Sincerely,



Jeffrey A. Stanley, P.E.

**GENERAL NOTES**

- EXISTING ZONING IS RU-4 AND WILL BE REZONED TO RU-2
- THE GROSS AREA IS 187,505 SF (4.3 AC). DEVELOPED AREAS ARE: LOT 1 100,053 SF (2.3 AC) AND LOT 2 87,452 SF (2.0 AC)
- LEGAL DESCRIPTION: SEE BELOW
- TAX PARCEL APN 124-05-003N
- BASIS OF BEARINGS IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 19 EAST, G&SRB&M, NORTH 00° 06' 29" EAST, PER THE RECORD OF SURVEY, BOOK 10 PAGE 100.
- BASIS OF ELEVATIONS IS NGS POINT CG0053, "PIMACO 2 RM 1" ELEVATION 4155.94 NAVD 88. SITE ELEVATION AT ALUMINUM MONUMENT AT EAST QUARTER CORNER SECTION 7, T. 17 S., R. 19 E. SEE MAP, ELEVATION 4150.10.
- ANY RELOCATION, MODIFICATION, ETC., OF THE EXISTING UTILITIES AND/OR PUBLIC IMPROVEMENTS REQUIRED BY THIS DEVELOPMENT WILL BE AT NO EXPENSE TO THE PUBLIC.
- ALL REQUIRED PARKING SHALL BE OFF-STREET, ON SITE.
- APPROVAL OF THIS PLAN DOES NOT AFFIRM, CERTIFY, OR APPROVE ANY LAND DIVISION THAT MAY BE CONTRARY TO STATE LAW, NOR DOES IT CERTIFY THE EXISTENCE OR COMPLIANCE WITH ANY PRIVATE DEED RESTRICTIONS.
- MATERIALS WITHIN SIGHT DISTANCE TRIANGLES SHALL BE PLACED SO AS NOT TO INTERFERE WITH A VISIBILITY PLANE DESCRIBED BY TWO HORIZONTAL LINES LOCATED 36 INCHES AND 96 INCHES ABOVE FINISHED GRADE OF THE ROADWAY SURFACE.

**PARKING CALCULATIONS**

USE: GENERAL RETAIL

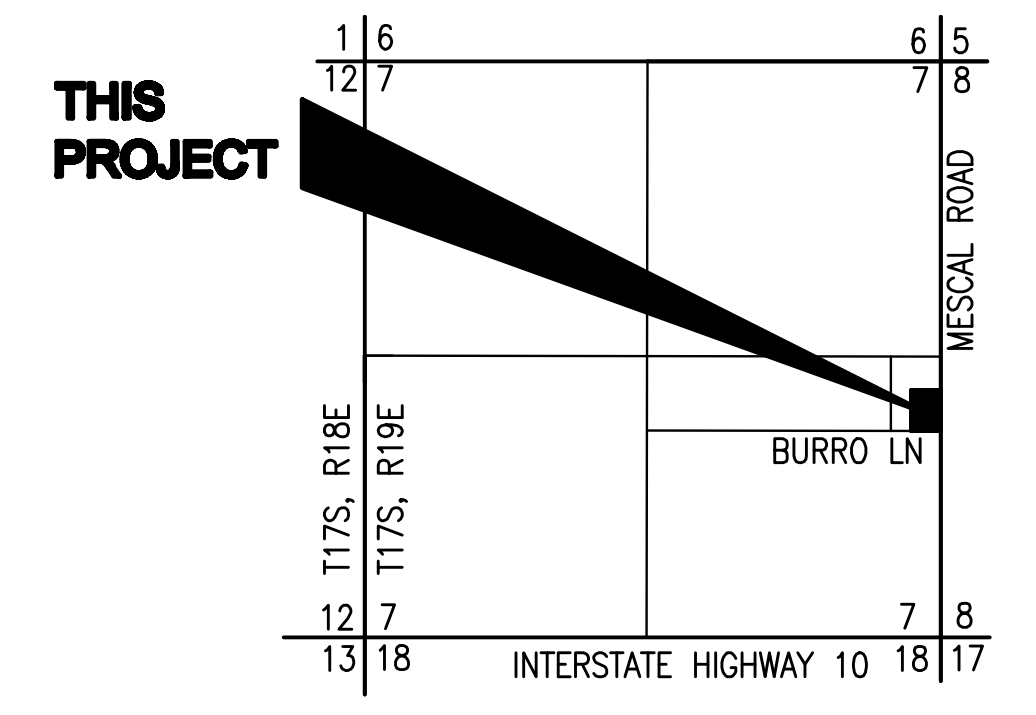
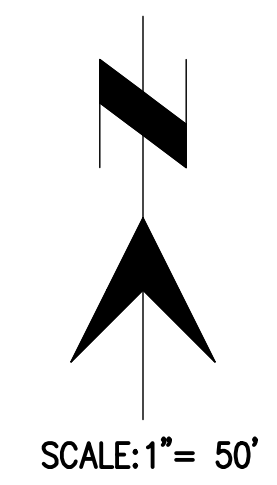
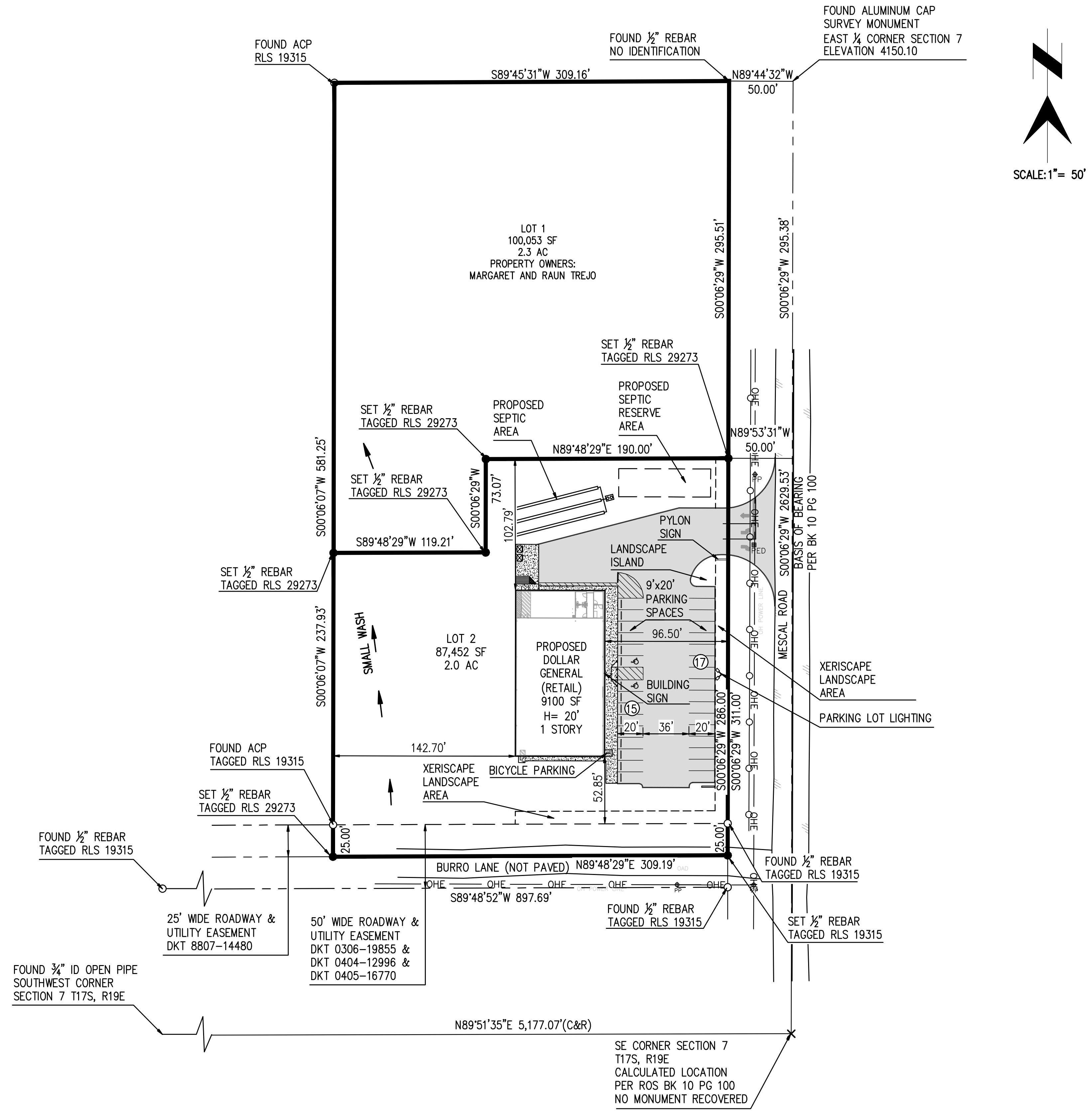
PARKING REQUIRED:  
1 SPACE/350 S.F. OF GROSS FLOOR AREA (9100/350) 26 SPACES

TOTAL PARKING PROVIDED: 32 SPACES

H.C. PROVIDED: 2 SPACES

LOADING SPACE  
LOADING SPACE PROVIDED: 1 SPACE

BICYCLE SPACE  
BICYCLE SPACE PROVIDED: 2 SPACES



**LEGEND**

	PROPERTY LINE
	LANDSCAPE BUFFERYARD LINE
	EASEMENT LINE
	RIGHT-OF-WAY LINE
	CENTER LINE
	OVERHEAD POWER LINE
	EDGE OF EXISTING PAVEMENT
	NEW PAVEMENT
	CONCRETE
	NUMBER OF 9'x20' PARKING SPACES

**PROJECT ADDRESS:**

TAX PARCEL APN 124-05-003N  
MESCAL, COCHISE, ARIZONA 85602

**BASIS OF BEARINGS:**

IS THE EAST LINE OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 19 EAST, G&SRB&M, NORTH 00° 06' 29" EAST, PER THE RECORD OF SURVEY, BOOK 10 PAGE 100.

**BASIS OF ELEVATIONS:**

IS NGS POINT CG0053, "PIMACO 2 RM 1" ELEVATION 4155.94 NAVD 88. SITE ELEVATION AT ALUMINUM MONUMENT AT EAST QUARTER CORNER SECTION 7, T. 17 S., R. 19 E. SEE MAP, ELEVATION 4150.10.

**LEGAL DESCRIPTION:**

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 7, TOWNSHIP 17 SOUTH, RANGE 19 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
COMMENCING AT THE EAST QUARTER CORNER OF SAID SECTION 7;  
THENCE SOUTH 00° 06' 29" WEST UPON THE EAST LINE OF SAID SOUTHEAST QUARTER OF SECTION 7, A DISTANCE OF 295.38 FEET;  
THENCE LEAVING SAID LINE, NORTH 89° 53' 31" WEST A DISTANCE OF 50.00 FEET TO THE POINT OF BEGINNING;  
THENCE SOUTH 00° 06' 29" WEST UPON A LINE LYING 50.00 FEET EAST OF AND PARALLEL TO SAID EAST LINE OF THE SOUTHEAST QUARTER, A DISTANCE OF 311.00 FEET;  
THENCE SOUTH 89° 48' 29" WEST A DISTANCE OF 309.19 FEET;  
THENCE NORTH 00° 06' 07" EAST A DISTANCE OF 237.93 FEET;  
THENCE NORTH 89° 48' 29" EAST A DISTANCE OF 119.21 FEET;  
THENCE NORTH 00° 06' 29" EAST A DISTANCE OF 73.07 FEET;  
THENCE NORTH 89° 48' 29" EAST A DISTANCE OF 190.00 FEET TO THE POINT OF BEGINNING.

**OWNER/DEVELOPER:**

DCM DEVELOPMENT COMPANY, L.L.C.  
4122 E. GRANT RD.  
TUCSON, ARIZONA 85712  
ATTN: DAVE LECHNER  
(520) 888-1212

**SITE COVERAGE:**

SITE AREA= 87,452 SF  
BUILDING AREA= 9,100 SF  
ADDITIONAL IMPERVIOUS COVER=  
COVERAGE=  $\frac{21,521+9,100}{87,452} = 35\%$

19263  
JEFFREY A. STANLEY  
ARIZONA, U.S.A.

EXP. 6-30-2019

**JAS ENGINEERING**

PO BOX 1888 TUCSON, ARIZONA 85702  
(520) 390-7920  
STANLEY19263@MSN.COM

**CONCEPT PLAN**

FOR

**DOLLAR GENERAL- MESCAL**

A PORTION OF THE SOUTHEAST QUARTER OF SECTION 7, T17S, R19E, G&SRB&M  
MESCAL, COCHISE, ARIZONA

1  
OF  
1

NO.	REVISION	DATE	DRWN BY	J.R.G.	DATE	02/28/2019
			DSGN BY	J.A.S.	JOB NO.	
			CHKD BY	J.A.S.	SCALE: H: 1"=50'	V: N/A



## FEATURES & SPECIFICATIONS

**APPLICATION** — The high performance luminaire is designed for cutoff applications where long life, low maintenance, and consistent color rendering are required. Areas with limited accessibility due to fixture location or where heavy pedestrian traffic makes maintenance difficult are ideal applications such as building facade lighting or wall mounted security lighting. The traditional design style of the luminaire allows it to be seamlessly integrated into existing systems when necessary.

**CONSTRUCTION** — The heavy duty housing is constructed of die cast aluminum. The optical assemblies are sealed in place using a silicone gasket for weather tight protection. ETL listed for wet locations (IP64). Additional IP66 rating available upon request.

**FINISH** — A Super Durable Polyester powder coat finish is electrostatically applied in our state of the art paint facility. Standard colors available: Black, Bronze, US Green, White. Custom colors available upon request.

**OPTICAL SYSTEM** — Made with a state of the art UV stabilized acrylic high performance refractive optical assemblies that use high transmittivity materials to achieve precise photometric distributions. Available in a Type III beam configuration.

**ELECTRICAL SYSTEM** — Available in a high output 2 or 4 LED system in 5000K Cool White (+/- 500K) or 4100K Neutral White color temperatures propagated with Philips Lumileds LUXEON® M LED's. Available with 90-300V 50/60 Hz Driver. LED's rated for over 50,000 hours at 25°C ambient temperature. 0-10V dimming standard. Built-in surge protection up to 10 kV. Built-in Active PFC Function >95%/Full load. LED Power Supply conforms to UL1310 and UL8750 standards and is IP67 rated for wet locations.

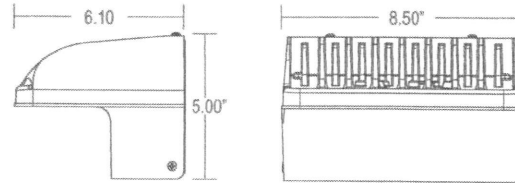
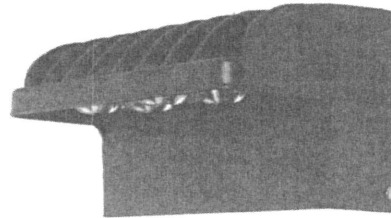
**MOUNTING** — Quick sheet metal mounting bracket connects to a standard J-Box. The bracket has a unique hanging feature to allow easy wire connections. After connections are made, the fixture swings up and is secured with with two retaining screws at the top of the fixture. An additional back box is available for applications requiring conduit entry (See Accessories).

**LISTINGS** — LED Driver listed for wet locations (IP67). LED bricks ETL listed for wet locations (IP64). Meets US and Canadian safety standards. -40°C to 50°C ambient operation.

Catalog Number	
Project	Type



## Small Heat Sink LED Wall Pack LHWP SERIES



DesignLights Consortium® Qualified. Please go to [www.designlights.org](http://www.designlights.org) for the current Qualified Products List. Further details about qualified models may be found under Family Models.

Series	Housing Height	Length & Width
<b>LHWP</b>	5.00"	6.10" x 8.50"

## ORDERING INFORMATION

Choose the bold face options for the appropriate luminaire configuration for your application and enter on the line above each fixture attribute. Accessories may be factory installed, depending on the particular accessory chosen, but still be ordered as a separate line item.

Example: **LHWP1C4T3H1-BZ**

Series	# of Bricks	Color Temp	# LED's per Brick	Optics	Drive Current	Voltage	Finish
<b>LHWP 1</b>	1 Brick	<b>C</b> Cool White (5000K) <b>N</b> Neutral White (4100K)	<b>2</b> 2 LED <b>4</b> 4 LED	<b>T3</b> Type III	<b>F</b> 1400mA Driver <b>H</b> 2100mA Driver	<b>1</b> Multi-Volt <sup>1</sup>	<b>BK</b> Black <b>BZ</b> Bronze <b>GR</b> US Green <b>WH</b> White <b>SP</b> Special <sup>2</sup>

### Accessories (Order as separate line items)

<b>PSHSENCA</b>	Back Box Enclosure with Conduit Entries
<b>LHWPBBU</b>	2000 Lumen/90 Minute Battery Back-Up with Fixture Back Box
<b>P1000PC<sup>3</sup></b>	Button Type Photocell (requires PSHSENCA Back Box)
<b>IP66<sup>4</sup></b>	Additional IP66 Fixture Rating

### NOTES

- Multi-Volt is an auto-ranging power supply from 90V to 300V input.
- Custom RAL color matching is available. Contact your Techlight sale representative for additional information.
- P1000PC operates at 120V only. For photocells to operate at additional voltages, please consult your local Techlight representative. Back Box Enclosure required for Button Photocell mounting.
- Additional IP66 rating may not be changed once production has begun on the fixtures.

[www.techlightusa.com](http://www.techlightusa.com)

\*\*All dimensions and specifications are subject to change without notice.\*\*

REV. 20161024-08

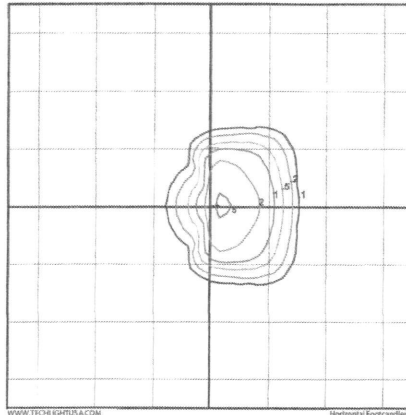
# LHSWP Small Cutoff LED Wall Pack

## PHOTOMETRICS

**IES INDOOR REPORT  
PHOTOMETRIC  
FILE NAME:  
LHSWP1C4T3F1**

**Type III Optical Assembly  
1 Brick, 1400mA, Cool  
White**

38W LHSWP Wall Pack  
Color Temperature: 5,000 K



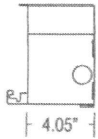
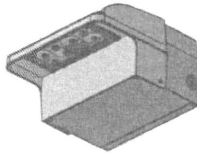
WWW.TECHLIGHTUSA.COM

Horizontal Footcandle  
Scale: 1 Inch = 20 Ft.  
Light Loss Factor = 0.80  
Lumens Per Lamp = N/A (Indoor Photometry)  
Luminaire Lumens = 3800  
Mounting Height = 8.00 Ft.  
Maximum Calculated Value = 6.13 Fc.  
Arrangement: Single  
Arm Length = 3 Ft.

## ADDITIONAL FIXTURE ACCESSORIES

### PSHSENCA

Back Box Enclosure with Side and Top Conduit Entries



### P1000PC

Button-Type Photocell



# LHSWP Small Cutoff LED Wall Pack

## LUMINAIRE CHARACTERISTICS

### Cool White (5000K) 1400 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens TYPE III	System Wattage	L70 @ 25°C	Amperage Draw			
						120V	208V	240V	277V
1 BRICK	2	CW	1733	18W	> 50K	.15 A	.09 A	.08 A	.07 A
1 BRICK	4	CW	3150	36W	> 50K	.30 A	.18 A	.15 A	.13 A

### Neutral White (4100K) 1400 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens TYPE III	System Wattage	L70 @ 25°C	Amperage Draw			
						120V	208V	240V	277V
1 BRICK	2	NW	1720	18W	> 50K	.15 A	.09 A	.08 A	.07 A
1 BRICK	4	NW	3055	36W	> 50K	.30 A	.18 A	.15 A	.13 A

### Cool White (5000K) 2100 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens TYPE III	System Wattage	L70 @ 25°C	Amperage Draw			
						120V	208V	240V	277V
1 BRICK	2	CW	2536	22W	> 50K	.18 A	.11 A	.10 A	.08 A
1 BRICK	4	CW	4295	58W	> 50K	.49 A	.28 A	.25 A	.21 A

### Neutral White (4100K) 2100 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens TYPE III	System Wattage	L70 @ 25°C	Amperage Draw			
						120V	208V	240V	277V
1 BRICK	2	NW	2460	22W	> 50K	.18 A	.11 A	.10 A	.08 A
1 BRICK	4	NW	4166	58W	> 50K	.49 A	.28 A	.25 A	.21 A

## BUG RATINGS (BACKLIGHT, UPLIGHT AND GLARE)

Optic Type	BUG Ratings		
	B (Backlight)	U (Uplight)	G (Glare)
Type III (T3)	1	0	1

**WARNING:** Maintenance performed including the replacement of LED bricks while power is still supplied to the luminaire may result in system failures and will void the warranty.



Techlight, Inc.  
 2707 Satsuma Drive  
 Dallas, TX, 75229  
 Phone: 214-350-0591, 800-225-0727, Fax: 214-350-9137  
[www.techlight.com](http://www.techlight.com)

\*\*All dimensions and specifications are subject to change without notice.\*\*



DesignLights Consortium® Qualified  
Please go to [www.designlights.org](http://www.designlights.org)  
for the current Qualified Products List.  
Further details about qualified models  
may be found under Family Models.

Catalog Number	
Project	Type

## FEATURES & SPECIFICATIONS

**APPLICATION** — The high performance luminaire is designed for area lighting applications where long life, low maintenance, and consistent color rendering is required. Areas with limited accessibility due to fixture location or where heavy pedestrian or vehicle traffic makes maintenance difficult are ideal applications such as parking lots or walkways. It is also compact and versatile enough for general purpose security lighting.

**CONSTRUCTION** — The heavy duty housing is constructed of extruded aluminum. The optical assemblies are sealed in place using a silicone gasket for weather tight protection. Modular LED bricks wired in parallel for ease of maintenance. ETL listed for wet locations (IP64). Additional IP66 rating available upon request.

**FINISH** — A Super Durable Polyester powder coat finish is electrostatically applied in our state of the art paint facility. Standard colors available: Black, Bronze, US Green, White. Custom colors available upon request.

**OPTICAL SYSTEM** — Made with a state of the art UV stabilized acrylic high performance refractive optical assemblies that use high transmissivity materials to achieve precise photometric distributions. Available in Type II, III, IV, IV Automotive, V Medium and V Wide beam configurations. Star Light Friendly (meets or exceeds Dark Sky requirements) in the horizontal position.

**ELECTRICAL SYSTEM** — Available in up to a 6 brick LED system in 5000K Cool White (+/- 500K) or 4100K Neutral White color temperatures (70 CRI min.) propagated with Philips Lumileds LUXEON® T LED's or Osram equivalent. Available with 90-300V 50/60 Hz Class II power supply. LED's rated over 355,000 hours (TM21 Calculated L70) at 25°C ambient temperature with selectable 700mA, 1050mA and 1400mA operation. Lumen Maintenance >97% at 50K hrs. 347V and 480V input options available. Standard 0-10V dimming. Fixture provided with integral 10kV surge protection that meets IEEE C62.42.2-2002. Built-in Active PFC Function. LED Power Supply conforms to UL1310 Class 2 and UL8750 standards and is IP67 rated for wet locations.

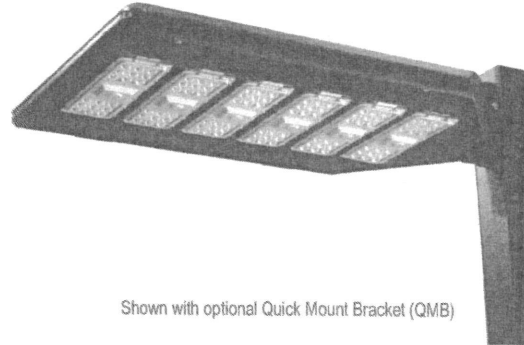
**MOUNTING** — The fixture is designed to mount directly to a square pole. An adaptor is available for direct mount to round poles. Techlight's Quick Mount Bracket for flush mount or the Quick Mount Bracket with various arm lengths also available. All mounting options allow the Tapered Back Saber to mount at 90 degree intervals.

**LISTINGS** — LED Power Supply listed for wet locations (IP67). LED bricks ETL listed for wet locations (IP64). Meets US and Canadian safety standards. -40°C to 50°C ambient operation, RoHS Compliant.

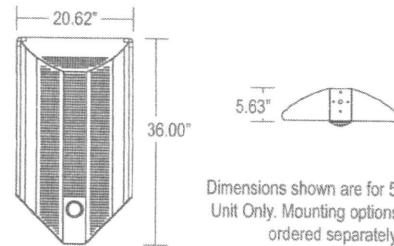
**WARRANTY** — The complete luminaire is covered by a 5-year limited warranty.



## Tapered Back Saber LED Area Light LSBT SERIES



Shown with optional Quick Mount Bracket (QMB)



Dimensions shown are for 5 & 6 Brick Unit Only. Mounting options must be ordered separately.

Series	Housing Height	Length & Width	EPA (ft²)
<b>LSBT</b>	5.63"	36.00" x 20.62"	.8

## ORDERING INFORMATION

Choose the bold face options for the appropriate luminaire configuration for your application and enter on the line above each fixture attribute. Accessories may be factory installed, depending on the particular accessory chosen, but still be ordered as a separate line item.

Example: **LSBT6C8T5WD1-BZ**  
**QMB**

(NOTE: QMB Must Be Ordered Separately)

Series	# of Bricks	Color Temp	# LED's per Brick	Optics	Drive Current	Voltage	Options	Finish
<b>LSBT</b>	<b>1</b> 1 Brick	<b>C</b> Cool White (5000K)	<b>8</b> 18 LED	<b>T2</b> Type II	<b>C</b> 700mA Driver	<b>1</b> Multi-Volt <sup>1</sup>	<b>L</b> Left Rotated Optics	<b>BK</b> Black
	<b>2</b> 2 Brick	<b>N</b> Neutral White (4100K)		<b>T3</b> Type III	<b>D</b> 1050mA Driver	<b>2</b> 480V	<b>O</b> Optics	<b>BZ</b> Bronze
	<b>3</b> 3 Brick			<b>T4</b> Type IV	<b>F</b> 1400mA Driver	<b>3</b> 347V	<b>R</b> Right Rotated Optics	<b>GR</b> US Green
	<b>4</b> 4 Brick			<b>T4A</b> Type IV Automotive				<b>WH</b> White
	<b>5</b> 5 Brick			<b>T5M</b> Type V Medium			(Leave Blank for standard optics)	<b>SP</b> Special <sup>2</sup>
	<b>6</b> 6 Brick			<b>T5W</b> Type V Wide				

### Accessories (Order as separate line items)

<b>LEDEB18-325</b>	2000 Lumen 90 Minute Battery Back-Up	<b>TLWFSFIR-100</b>	(Lenses Ordered Separately)
<b>QMB</b>	Quick Mount Bracket - Flush, No Arm	<b>TLWFSF-L2</b>	Remolte Handheld Sensor Configuration Tool
<b>QMSSA-S</b>	Quick Mount Bracket with 2" Straight Arm	<b>TLWFSF-L3</b>	360° lens, maximum coverage 48" diameter from 8' height
<b>QMSSA-M</b>	Quick Mount Bracket with 8" Straight Arm	<b>TLWFSF-L4</b>	360° lens, maximum coverage 48" diameter from 20' height
<b>QMSSA</b>	Quick Mount Bracket with 16.75" Straight Arm	<b>TLWFSF-L7</b>	360° lens, maximum coverage 60" diameter from 40' height
<b>RPASSA</b>	Round Pole Mount Adaptor for Direct Mounting	<b>PPCR/D7</b>	7-Pin Twist-Lock PhotoCell Receptacle ANSI C136.41
<b>IP66<sup>3</sup></b>	Additional IP66 Fixture Rating	<b>PTLJP-275</b>	7-Pin Receptacle Shorting Cap
<b>LEDOPTIC-W</b>	Spill Light Elimination	<b>PC2</b>	480V Twist-Lock PhotoCell
<b>LEDOPTIC-B</b>	Spill Light Elimination "Black Out"	<b>PC6</b>	Multi-Tap (105-285V) Twist-Lock PhotoCell
<b>TLWFSF-211</b>	Fixture Mount Passive Infrared Motion Sensor		

#### NOTES

- Multi-Volt is an auto ranging power supply from 90V to 300V input.
- Custom RAL color matching is available. Contact your Techlight sales representative for additional information.
- Additional IP66 rating may not be changed once production has begun on the fixtures.

[www.techlightusa.com](http://www.techlightusa.com)

\*\*All dimensions and specifications are subject to change without notice.\*\*

REV. 20170303-05

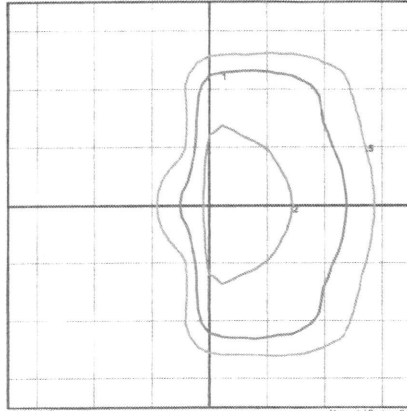
# LSBT Tapered Back Saber LED Area Light

## PHOTOMETRICS

**IES INDOOR REPORT  
PHOTOMETRIC FILE  
NAME: LSBT6C8T3D1**

**Type III Optical Assembly  
6 Brick, 1050mA, Cool  
White**

365W LSBT LED Area Light  
Color Temperature: 5,000 K



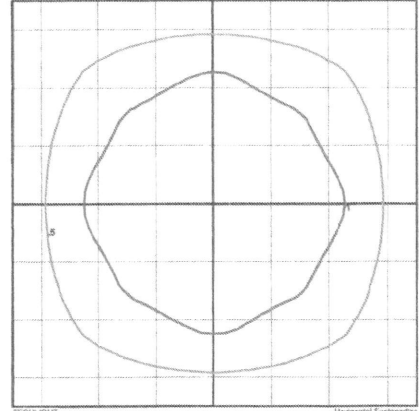
TECHLIGHT  
LSBR6C8T3D1  
LED COOL WHITE LUXEON T (1050mA)

Horizontal Footcandle  
Scale: 1 Inch = 30 FC  
Light Loss Factor = 1.00  
Lumens Per Lamp = N.A. (absolute photometry)  
Luminous Efficacy = 25980  
Mounting Height = 30.00 Ft  
Maximum Calculated Value = 3.48 FC  
Arrangement: Single

**IES INDOOR REPORT  
PHOTOMETRIC  
FILE NAME:  
LSBT6C8T5WD1**

**Type V Wide Optical  
Assembly  
6 Brick, 1050mA, Cool  
White**

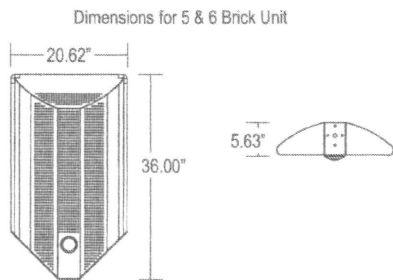
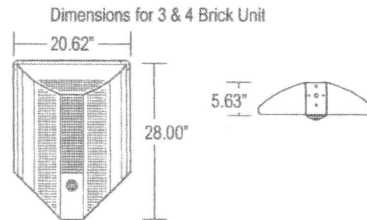
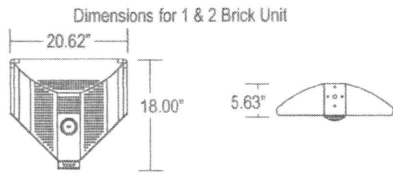
365W LSBT LED Area Light  
Color Temperature: 5,000 K



TECHLIGHT  
LSBR6C8T5WD1  
LED COOL WHITE LUXEON T (1050mA)

Horizontal Footcandle  
Scale: 1 Inch = 30 FC  
Light Loss Factor = 1.00  
Lumens Per Lamp = N.A. (absolute photometry)  
Luminous Efficacy = 25974  
Mounting Height = 30.00 Ft  
Maximum Calculated Value = 1.88 FC  
Arrangement: Single

## ADDITIONAL FIXTURE DIMENSIONS



# LSBT Tapered Back Saber LED Area Light

## LUMINAIRE CHARACTERISTICS

### Cool White (5000K) 700 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens						System Wattage	L70 @ 25°C	Amperage Draw					
			TYPE II	TYPE III	TYPE IV	TYPE 4A	TYPE 5M	TYPE 5W			120V	208V	240V	277V	347V	480V
1 BRICK	18	CW	4056	3993	4041	3992	4014	4065	41	>495K	0.35 A	0.21 A	0.18 A	0.16 A	0.13 A	0.09 A
2 BRICK	18	CW	8111	7987	8081	7983	8027	8130	81	>495K	0.70 A	0.41 A	0.35 A	0.31 A	0.25 A	0.18 A
3 BRICK	18	CW	12167	11980	12122	11975	12041	12195	122	>495K	1.05 A	0.61 A	0.53 A	0.46 A	0.37 A	0.27 A
4 BRICK	18	CW	16222	15974	16162	15967	16054	16260	162	>495K	1.40 A	0.81 A	0.70 A	0.61 A	0.49 A	0.35 A
5 BRICK	18	CW	20278	19967	20203	19959	20068	20325	203	>495K	1.75 A	1.01 A	0.88 A	0.76 A	0.61 A	0.44 A
6 BRICK	18	CW	24334	23961	24243	23950	24081	24390	243	>495K	2.10 A	1.22 A	1.05 A	0.91 A	0.73 A	0.53 A

### Cool White (5000K) 1050 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens						System Wattage	L70 @ 25°C	Amperage Draw					
			TYPE II	TYPE III	TYPE IV	TYPE 4A	TYPE 5M	TYPE 5W			120V	208V	240V	277V	347V	480V
1 BRICK	18	CW	5505	5421	5484	5505	5448	5518	61	>425K	0.53 A	0.31 A	0.27 A	0.23 A	0.19 A	0.14 A
2 BRICK	18	CW	11010	10841	10969	11010	10896	11035	122	>425K	1.05 A	0.61 A	0.53 A	0.46 A	0.37 A	0.27 A
3 BRICK	18	CW	16514	16262	16453	16515	16343	16553	183	>425K	1.58 A	0.91 A	0.79 A	0.69 A	0.55 A	0.40 A
4 BRICK	18	CW	22019	21682	21938	22020	21791	22070	244	>425K	2.10 A	1.22 A	1.05 A	0.91 A	0.73 A	0.53 A
5 BRICK	18	CW	27524	27103	27422	27525	27239	27588	304	>425K	2.63 A	1.52 A	1.32 A	1.14 A	0.91 A	0.66 A
6 BRICK	18	CW	33029	32523	32906	33030	32687	33106	365	>425K	3.15 A	1.82 A	1.58 A	1.37 A	1.09 A	0.79 A

### Cool White (5000K) 1400 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens						System Wattage	L70 @ 25°C	Amperage Draw					
			TYPE II	TYPE III	TYPE IV	TYPE 4A	TYPE 5M	TYPE 5W			120V	208V	240V	277V	347V	480V
1 BRICK	18	CW	7932	7813	7908	7946	7859	7948	86	>355K	0.72 A	0.42 A	0.36 A	0.32 A	0.25 A	0.18 A
2 BRICK	18	CW	15864	15626	15816	15892	15718	15896	172	>355K	1.44 A	0.83 A	0.72 A	0.63 A	0.50 A	0.36 A
3 BRICK	18	CW	23796	23439	23724	23838	23577	23844	258	>355K	2.15 A	1.25 A	1.08 A	0.94 A	0.75 A	0.54 A
4 BRICK	18	CW	31728	31252	31632	31784	31436	31792	344	>355K	2.87 A	1.66 A	1.44 A	1.25 A	1.00 A	0.72 A
5 BRICK	18	CW	39660	39065	39540	39730	39295	39740	430	>355K	3.59 A	2.07 A	1.80 A	1.56 A	1.24 A	0.90 A
6 BRICK	18	CW	47592	46878	47448	47676	47154	47688	516	>355K	4.30 A	2.49 A	2.15 A	1.87 A	1.49 A	1.08 A

**WARNING:** Maintenance performed including the replacement of LED bricks while power is still supplied to the luminaire may result in system failures and will void the warranty.

# LSBT Saber LED Area Light

## LUMINAIRE CHARACTERISTICS CONTINUED

### Neutral White (4100K) 700 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens						System Wattage	L70 @ 25°C	Amperage Draw					
			TYPE II	TYPE III	TYPE IV	TYPE 4A	TYPE 5M	TYPE 5W			120V	208V	240V	277V	347V	480V
1 BRICK	18	NW	3969	3908	3954	3906	3928	3978	41	>495K	.35 A	.20 A	.18 A	.15 A	.12 A	.09 A
2 BRICK	18	NW	7938	7816	7908	7813	7855	7956	81	>495K	.68 A	.39 A	.34 A	.30 A	.24 A	.17 A
3 BRICK	18	NW	11906	11724	11862	11719	11783	11934	122	>495K	1.02 A	.59 A	.51 A	.45 A	.36 A	.26 A
4 BRICK	18	NW	15875	15632	15816	15625	15711	15912	162	>495K	1.35 A	.78 A	.68 A	.59 A	.47 A	.34 A
5 BRICK	18	NW	19844	19540	19770	19531	19638	19890	203	>495K	1.70 A	.98 A	.85 A	.74 A	.59 A	.43 A
6 BRICK	18	NW	23813	23448	23724	23438	23566	23868	243	>495K	2.03 A	1.17 A	1.02 A	.88 A	.71 A	.51 A

### Neutral White (4100K) 1050 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens						System Wattage	L70 @ 25°C	Amperage Draw					
			TYPE II	TYPE III	TYPE IV	TYPE 4A	TYPE 5M	TYPE 5W			120V	208V	240V	277V	347V	480V
1 BRICK	18	NW	5387	5305	5367	5302	5331	5400	61	>425K	.51 A	.30 A	.26 A	.23 A	.18 A	.13 A
2 BRICK	18	NW	10774	10609	10734	10604	10662	10799	122	>425K	1.02 A	.59 A	.51 A	.45 A	.36 A	.26 A
3 BRICK	18	NW	16161	15914	16101	15907	15994	16199	183	>425K	1.53 A	.88 A	.77 A	.67 A	.53 A	.39 A
4 BRICK	18	NW	21548	21218	21468	21209	21325	21598	244	>425K	2.04 A	1.18 A	1.02 A	.89 A	.71 A	.51 A
5 BRICK	18	NW	26935	26523	26835	26511	26656	26998	304	>425K	2.54 A	1.47 A	1.27 A	1.10 A	.88 A	.64 A
6 BRICK	18	NW	32322	31827	32202	31813	31987	32397	365	>425K	3.05 A	1.76 A	1.53 A	1.32 A	1.06 A	.77 A

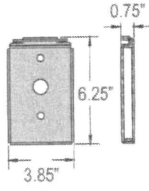
### Neutral White (4100K) 1400 mA Drive Current

# of LED Bricks	# of LEDs per Brick	Color Temp	Delivered Lumens						System Wattage	L70 @ 25°C	Amperage Draw					
			TYPE II	TYPE III	TYPE IV	TYPE 4A	TYPE 5M	TYPE 5W			120V	208V	240V	277V	347V	480V
1 BRICK	18	NW	6463	6362	6439	6370	6399	6473	87	>355K	.73 A	.42 A	.37 A	.32 A	.26 A	.19 A
2 BRICK	18	NW	12926	12725	12879	12739	12798	12945	174	>355K	1.45 A	.84 A	.73 A	.63 A	.51 A	.37 A
3 BRICK	18	NW	19391	19087	19317	19110	19201	19421	261	>355K	2.18 A	1.26 A	1.09 A	.95 A	.76 A	.55 A
4 BRICK	18	NW	25852	25450	25759	25478	25596	25889	348	>355K	2.90 A	1.68 A	1.45 A	1.26 A	1.01 A	.73 A
5 BRICK	18	NW	32315	31817	32193	31844	31996	32362	435	>355K	3.63 A	2.10 A	1.82 A	1.58 A	1.26 A	.91 A
6 BRICK	18	NW	38782	38174	38636	38220	38401	38862	522	>355K	4.35 A	2.51 A	2.18 A	1.89 A	1.51 A	1.09 A

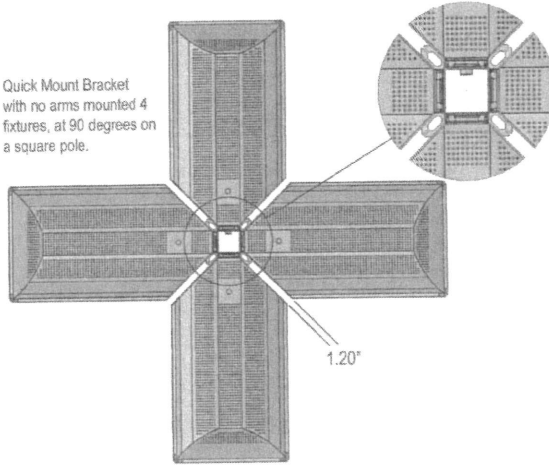
# LSBT Saber LED Area Light

## MOUNTING ACCESSORIES

**QMB**  
Quick Mount Bracket - Flush, No Arm



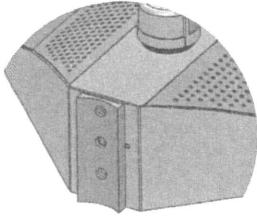
Quick Mount Bracket with no arms mounted 4 fixtures, at 90 degrees on a square pole.



**QMSSA-S**  
Quick Mount Bracket with 2" Straight Arm  
**QMSSA-M**  
Quick Mount Bracket with 6" Straight Arm  
**QMSSA**  
Quick Mount Bracket with 10.75" Straight Arm



**RPASSA**  
Round Pole Mount Adaptor for Direct Mounting



Techlight, Inc.  
2707 Satsuma Drive  
Dallas, TX, 75229  
Phone: 214-350-0591, 800-225-0727, Fax: 214-350-9137  
[www.techlight.com](http://www.techlight.com)

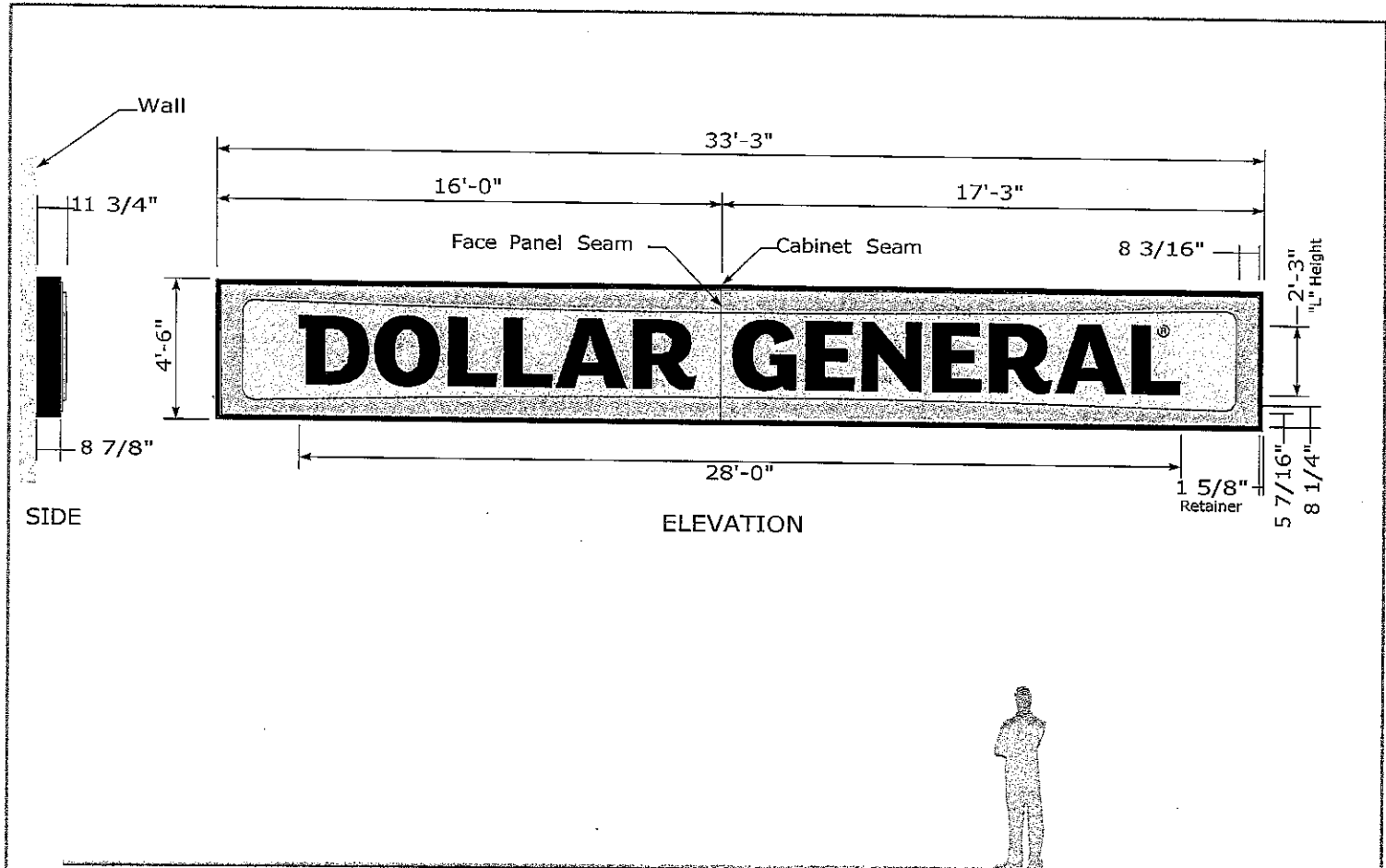
Regarding Page 5-Part Two Questionnaire-Section B-Question 9 Will any new signs be erected on site?

The answer is yes, there will be a building sign mounted on the building and a monument sign at the South West corner on the property. The signs will be internally illuminated and will not be illuminated after 10pm



Below is our standard monument sign. We use this sign in lieu of our pylon/pole sign. The building sign and monument sign will not be illuminated after 10pm.





.150" clear UV polycarbonate (Spartech) pan formed face with Black copy over Spraylat C8-2633 Yellow on PMS Cool Gray 5 background. Cabinet to be painted Satin Black.

SQUARE FOOTAGE		COLOR SPECIFICATIONS	
ACTUAL	149.63 sq. ft.	Yellow:	match Spraylat C8-2633
		Brushed Aluminum:	match Spraylat FM-171
		Black (Copy):	match Spraylat Black
		Satin Black (Metal):	match Black Polyurethane
		Cool Gray:	match PMS Cool Gray 5
		Rock Bottom Gray:	match Sherwin Williams SW7062
		Green:	match PMS 368C



File Name: Dollar General Cutsheets 2013  
 Project #: 13-0181 Page 10 of 33  
 Date: 04/12/2013  
 Approved By: *RJK*

**LINK**  
 ENGINEERS  
 135 South David Lane  
 Knoxville, TN 37922  
 Office: 865-539-4001  
 Fax: 865-539-0851  
 www.linkengr.com

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**EXHIBIT "L"**

## ALTA COMMITMENT FOR TITLE INSURANCE

ISSUED BY  
STEWART TITLE GUARANTY COMPANY

### NOTICE

**IMPORTANT - READ CAREFULLY:** THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

### COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I - Requirements; Schedule B, Part II - Exceptions; and the Commitment Conditions, Stewart Title Guaranty Company, a Texas corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I - Requirements have not been met within six months after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

Countersigned by:

By: 



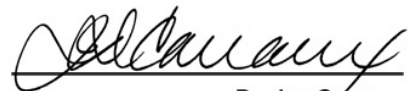
Matt Morris  
President and CEO

Authorized Countersignature

**Pioneer Title Agency,  
Inc.**

580 E. Wilcox Dr.  
Sierra Vista, AZ 85636-1900  
(520) 458-3500





Denise Carraux  
Secretary

For purposes of this form the "Stewart Title" logo featured above is the represented logo for the underwriter, Stewart Title Guaranty Company

### COMMITMENT CONDITIONS

#### 1. DEFINITIONS

- "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title,

interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.

- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I - Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I - Requirements;
- (f) Schedule B, Part II - Exceptions; and
- (g) a countersignature by the Company or its issuing agent that may be in electronic form.

#### 4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

#### 5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
  - (i) comply with the Schedule B, Part I - Requirements;
  - (ii) eliminate, with the Company's written consent, any Schedule B, Part II - Exceptions; or
  - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.

- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I - Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

**6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT**

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II - Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

**7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT**

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

**8. PRO-FORMA POLICY**

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

**9. ARBITRATION**

The Policy contains an arbitration clause. All arbitrable matters when the Proposed Policy Amount is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Proposed Insured as the exclusive remedy of the parties. A Proposed Insured may review a copy of the arbitration rules at <http://www.alta.org/arbitration>.

**STEWART TITLE GUARANTY COMPANY**

All notices required to be given the Company and any statement in writing required to be furnished the Company shall be addressed to it at P.O. Box 2029, Houston, Texas 77252-2029.

**ALTA COMMITMENT FOR TITLE INSURANCE  
SCHEDULE A**

ISSUED BY  
STEWART TITLE GUARANTY COMPANY

Issuing Agent: **Pioneer Title Agency Inc.**  
Issuing Office: 580 E. Wilcox Dr.  
Sierra Vista, AZ 85636-1900  
(520) 458-3500

File No. 90201508-902--CHA  
Reference No.: 283509

1. Commitment Date: **10/9/18 at 7:30 AM**  
Amendment Date: **October 22, 2018, Amendment No.: 2**
2. Policy or Policies to be issued: Proposed Policy Amount
  - a. **ALTA Owners Policy 6-17-06 Extended Coverage** **\$280,000.00**  
Proposed Insured:  
**DCM Development Company, LLC, an Arizona Limited Liability Company**
  - b. **ALTA Loan Policy 6-17-06 Standard Coverage** **\$To Come**  
Proposed Insured:  
\_\_\_\_\_, **Trustee of the Atlantis Realty & Development Retirement Plan**
  - c. **None** **\$0.00**  
Proposed Insured:

3. The estate or interest in the land described or referred to in this Commitment is  
**Fee simple**

4. Title to the said estate or interest in the land is at the Commitment Date vested in:  
**Raun B. Trejo and Margaret R. Trejo, husband and wife, as joint tenants with right of survivorship**

5. The land is described as follows:  
**See Exhibit A attached hereto and made a part hereof.**

Examined by: **Christina Alexander**

*This page is only a part of a 2016 ALTA® Commitment for Title Insurance. This Commitment is not valid without the Notice; the Commitment to Issue Policy; the Commitment Conditions; Schedule A; Schedule B, Part I - Requirements; and Schedule B, Part II - Exceptions; and a countersignature by the Company or its issuing agent that may be in electronic form.*

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ASSOCIATION



**ALTA COMMITMENT FOR TITLE INSURANCE  
EXHIBIT A**

ISSUED BY

**Pioneer Title Agency Inc.** AS AGENT FOR  
STEWART TITLE GUARANTY COMPANY

File No. 90201508-902--CHA

Reference No.: 283509

**EXHIBIT A**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF COCHISE, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

A portion of the Southeast quarter of Section 7, Township 17 South, Range 19 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

COMMENCING at the East quarter corner of said Section 7;

thence South 00°06'29" West upon the East line of said Southeast quarter of Section 7, a distance of 295.38 feet;

thence leaving said line, North 89°53'31" West, a distance of 50.00 feet to the POINT OF BEGINNING;

thence South 00°06'29" West upon a line lying 50.00 feet East of and parallel to said East line of the Southeast quarter, a distance of 311.00 feet;

thence South 89°48'29" West, a distance of 190.00 feet;

thence North 00°06'29" East, a distance of 311.00 feet;

thence North 89°48'29" East, a distance of 190.00 feet to the POINT OF BEGINNING.

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# ALTA COMMITMENT FOR TITLE INSURANCE SCHEDULE B PART I

ISSUED BY

**Pioneer Title Agency Inc.** AS AGENT FOR  
STEWART TITLE GUARANTY COMPANY

File No. 90201508-902--CHA

Reference No.: 283509

## Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.
5. PAY first installment 2018 taxes, Parcel No. 124-05-003N-3.
6. We find no open deeds of trust of record. Please provide written verification by the principals and/or their agents that the subject property is free and clear of any voluntary encumbrances and advise the Title Department accordingly prior to close of escrow.
7. FURNISH the Company with an Owner's Affidavit & Indemnity (Commercial) by the Owner itemizing all Leases, identifying Lessee, date of Lease, Terms and any options to renew. SAID CERTIFICATE SHALL ALSO STATE THAT NONE OF THE LEASES REFERRED TO THEREIN CONTAIN A FIRST RIGHT OF REFUSAL OR OPTION TO PURCHASE. Upon receipt and approval by the Company, the Exception referred to below will be limited to those parties identified in the Certificate.

Exception No. 14

NOTE: If any leases are to be subordinated to the lien of the Insured Mortgage the form of subordination must be approved by the Company prior to the close of escrow.

8. USUAL inspection report by an employee of the Company immediately prior to recording. If such inspection discloses additional matters the recording will be delayed until resolved.
9. RECORD Deed from Raun B. Trejo and Margaret R. Trejo, husband and wife to DCM Development Company, LLC, an Arizona Limited Liability Company.

COMPLIANCE with ARS 11-1133, which states essentially that an affidavit must be completed by a seller and a buyer and appended to a deed or contract for the sale of real estate which is presented for recording.

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**ALTA COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B PART I (Continued)**

ISSUED BY

**Pioneer Title Agency Inc.** AS AGENT FOR  
STEWART TITLE GUARANTY COMPANY

File No. 90201508-902--CHA

Reference No.: 283509

**Requirements  
(Continued)**

NOTE: The Company hereby informs the parties that it has not made a determination of whether or not this transaction is subject to the provisions of ARS 33-422 entitled "Land divisions; recording; disclosure affidavit"; and ARS 11-809 entitled "Review of land divisions; definitions." It will be the responsibility of the parties to make this determination therefore, the Company assumes no liability with respect to these matters.

10. RECORD Deed of Trust to be insured.

NOTE: If Pioneer Title Agency, Inc. is named Trustee under the Deed of Trust, the correct name and address is:

Pioneer Title Agency, Inc., an Arizona Corporation  
P.O. Box 1900  
Sierra Vista, AZ 85636

**TAX NOTE:**

Year	2018
Parcel No.	124-05-003N-3
Total Tax	\$710.30
First Half	\$355.15
Second Half	\$355.15

(Covers more property)

PRIOR to recording, obtain current tax information from:

Cochise County Treasurer  
1415 W. Melody Land #E  
Bisbee, AZ 85603  
520-432-8400  
<https://www.cochise.az.gov/treasurer/home>

**NOTE:**

THIS COMPANY has on file a copy of the Operating Agreement of the limited liability company named below, authorizing the persons listed below (with member/manager designation) to execute and deliver all instruments required to consummate this transaction:

Limited Liability Company:	DCM Development Company, LLC, an Arizona Limited Liability Company
Person and designation:	Christopher B. Lechner, Managing Member

**ALTA COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B PART I (Continued)**

ISSUED BY

**Pioneer Title Agency Inc.** AS AGENT FOR  
STEWART TITLE GUARANTY COMPANY

File No. 90201508-902--CHA

Reference No.: 283509

**Requirements  
(Continued)**

**Note: Pursuant to Arizona Revised Statutes 11-480, effective January 1, 1991, the County Recorder may not accept documents for recording that do not comply with the following:**

- **Print must be ten-point type (pica) or larger.**
- **Margins of at least one-half inch along the left and right sides one-half inch across the bottom and at least two inches on top for recording and return address information.**
- **Each instrument shall be no larger than 8 ½ inches in width and 14 inches in length.**

**ALTA COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B PART II**

ISSUED BY

**Pioneer Title Agency Inc.** AS AGENT FOR  
STEWART TITLE GUARANTY COMPANY

File No. 90201508-902--CHA

Reference No.: 283509

**Exceptions**

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I - Requirements are met.

2. RESERVATIONS contained in the Patent from the United States of America, recorded in Book 72, Deeds of Real Estate, Page 298, reading as follows:

SUBJECT to any vested and accrued water rights for mining, agricultural, manufacturing or other purposes, and rights to ditches and reservoirs used in connection with such water rights as may be recognized and acknowledged by the local customs, laws and decisions of courts; and there is reserved from the lands hereby granted, a right of way thereon for ditches or canals constructed by the authority of the United States of America.  
(AFFECTS ALTA EXTENDED OWNERS POLICY ONLY)

3. WATER RIGHTS, claims or title to water, and agreements, covenants, conditions or rights incident thereto, whether or not shown by the public records.  
This exception is not limited by reason of the disclosure of any matter relating to Water Rights as may be set forth elsewhere in Schedule B.  
(AFFECTS ALTA EXTENDED OWNERS POLICY ONLY)

4. Liabilities and Obligations imposed upon said land by reason of its inclusion with the following named district:

San Pedro Valley Hospital District  
Mescal J-6 Fire District

5. TAXES AND ASSESSMENTS collectible by the County Treasurer, a lien payable but not yet due for the following year:  
Second half of 2018

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**ALTA COMMITMENT FOR TITLE INSURANCE  
SCHEDULE B PART II (Continued)**

ISSUED BY

**Pioneer Title Agency Inc.** AS AGENT FOR  
STEWART TITLE GUARANTY COMPANY

File No. 90201508-902--CHA

Reference No.: 283509

**Exceptions  
(Continued)**

6. The right to receive any and all royalties, rents, profits, or other income from oil or petroleum found or produced upon said property as set forth in instruments recorded in:

Recorded in Book	: 9, Probate Orders
Page	: 322
Recorded in Docket	: 130
Page	: 272
Recorded in Docket	: 203
Page	: 398
Recorded in Docket	: 213
Page	: 611

7. Easements and rights incident thereto, as set forth in instrument:

Recorded in Document No.	: 8807-14480
Purpose	: roadway and utilities

8. Matters Shown on Survey:

Recorded in Book	: 10 of Surveys
Page	: 100

9. Right of way for Mescal Road.

10. The effect of Proposed Mescal Fire District as disclosed in District Impact Statement recorded September 09, 2003 in Document No. 0309-32443.

11. Easements and rights incident thereto, as set forth in instrument:

Recorded in Document No.	: 0306-19855
Purpose	: roadway and utilities

12. Easements and rights incident thereto, as set forth in instrument:

Recorded in Document No.	: 0404-12996
Purpose	: roadway and utilities

13. Easements and rights incident thereto, as set forth in instrument:

Recorded in Document No.	: 0405-16770
Purpose	: ingress, egress and utilities (Affects the South 25.00 feet of Parcel II)

14. RIGHTS OF LESSEES under unrecorded leases.

NOTE: This exception will be amended or deleted upon the submission of the corresponding documents required in Schedule B, Part I.

# Stewart Title Guaranty Company Privacy Notice

## Stewart Title Companies

### WHAT DO THE STEWART TITLE COMPANIES DO WITH YOUR PERSONAL INFORMATION?

Federal and applicable state law and regulations give consumers the right to limit some but not all sharing. Federal and applicable state law regulations also require us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand how we use your personal information. This privacy notice is distributed on behalf of the Stewart Title Guaranty Company and its title affiliates (the Stewart Title Companies), pursuant to Title V of the Gramm-Leach-Bliley Act (GLBA).

The types of personal information we collect and share depend on the product or service that you have sought through us. This information can include social security numbers and driver's license number.

All financial companies, such as the Stewart Title Companies, need to share customers' personal information to run their everyday business—to process transactions and maintain customer accounts. In the section below, we list the reasons that we can share customers' personal information; the reasons that we choose to share; and whether you can limit this sharing.

Reasons we can share your personal information.	Do we share	Can you limit this sharing?
<b>For our everyday business purposes</b> — to process your transactions and maintain your account. This may include running the business and managing customer accounts, such as processing transactions, mailing, and auditing services, and responding to court orders and legal investigations.	Yes	No
<b>For our marketing purposes</b> — to offer our products and services to you.	Yes	No
<b>For joint marketing with other financial companies</b>	No	We don't share
<b>For our affiliates' everyday business purposes</b> — information about your transactions and experiences. Affiliates are companies related by common ownership or control. They can be financial and non-financial companies. <i>Our affiliates may include companies with a Stewart name; financial companies, such as Stewart Title Company</i>	Yes	No
<b>For our affiliates' everyday business purposes</b> — information about your creditworthiness.	No	We don't share
<b>For our affiliates to market to you</b> – For your convenience, Stewart has developed a means for you to opt out from its affiliates marketing even though such mechanism is not legally required.	Yes	Yes, send your first and last name, the email address used in your transaction, your Stewart file number and the Stewart office location that is handling your transaction by email to <a href="mailto:optout@stewart.com">optout@stewart.com</a> or fax to 1-800-335-9591.
<b>For non-affiliates to market to you.</b> Non-affiliates are companies not related by common ownership or control. They can be financial and non-financial companies.	No	We don't share

We may disclose your personal information to our affiliates or to non-affiliates as permitted by law. If you request a transaction with a non-affiliate, such as a third party insurance company, we will disclose your personal information to that non-affiliate. We do not control their subsequent use of information, and suggest you refer to their privacy notices.

### SHARING PRACTICES

<b>How often do the Stewart Title companies notify me about their practices?</b>	We must notify you about our sharing practices when you request a transaction.
<b>How do the Stewart Title Companies protect my personal information?</b>	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer, file, and building safeguards.
<b>How do the Stewart Title Companies collect my personal information?</b>	We collect your personal information, for example, when you n request insurance-related services n provide such information to us We also collect your personal information from others, such as the real estate agent or lender involved in your transaction, credit reporting agencies, affiliates or other companies.
<b>What sharing can I limit?</b>	Although federal and state law give you the right to limit sharing (e.g., opt out) in certain instances, we do not share your personal information in those instances.

**Contact us: If you have any questions about this privacy notice, please contact us at: Stewart Title Guaranty Company, 1980 Post Oak Blvd., Privacy Officer, Houston, Texas 77056**

# Pioneer Title Agency, Inc.

*Commitment to Service*

## Privacy Policy Statement

The Financial Services Modernization Act, known as the Gramm-Leach-Bliley Act, requires us to explain to our customers the ways in which we collect and use customer information.

### **We are committed to Safeguarding Customer Information**

In order to better serve your needs now and in the future, we may ask you to provide us with certain information. We understand that you may be concerned about what we will do with your personal and/or financial information. We agree that you have a right to know how we will utilize the personal information you provide to us. Therefore, Pioneer Title Agency, Inc. has adopted this Privacy Policy to govern the use and handling of your personal information.

### **Personal Information Collected**

- Information we receive from you on applications or other forms, such as your name, address, social security number, tax identification number, asset information, and income information;
- Information about your transactions with or services performed by us, our affiliates, or others, such as information concerning your policy, premiums, payment history, information about your home or other real property, information from lenders and other third parties involved in such transaction, account balances, and credit card information; and
- Information we receive from consumer or other reporting agencies and publicly recorded documents.

### **Use of Information**

We may disclose the above information (excluding information we receive from consumer or other credit reporting agencies) about our customers or former customers to our affiliates or nonaffiliated third parties as permitted by law. Disclosures may include, without limitation, the following:

- To insurance agents, brokers, representatives, support organizations, or others to provide you with services you have requested, and to enable us to detect or prevent criminal activity, fraud, material misrepresentation, or nondisclosure in connection with an insurance transaction;
- To third party contractors or service providers for the purpose of determining your eligibility for an insurance benefit or payment and/or providing you with services you have requested;
- To an insurance regulatory authority, or a law enforcement or other governmental authority, in a civil action, in connection with a subpoena or a governmental investigation;
- To lenders, lien holders, judgment creditors, or other parties claiming an encumbrance or an interest in title whose claim or interest must be determined, settled, paid or released prior to a title or escrow closing.

### **Links to Other Websites**

Our websites contain links to websites that are provided and maintained by third parties and that are not subject to our Privacy Policy Statement. Please review the privacy policy statements on those websites. We make no representations concerning and are not responsible for any such third party websites or their privacy policies or practices.

### **Confidentiality and Security**

We will use our best efforts to ensure that no unauthorized parties have access to any of your information. We restrict access to nonpublic personal information about you to those individuals and entities who need to know that information to provide products or services to you. We will use our best efforts to train and oversee our employees to ensure that your information will be handled responsibly and in accordance with the Privacy Policy Statement. We currently maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

**WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.**

Size	Description (25 characters maximum)	Product	Type
1 oz	ECK STRING CHEESE- 1 oz	Dairy	Cheese
16 oz	ECK SAUSAGE ROLL	Meat	Sausage
8 oz	ECK SHREDDED M CHEDDAR- 8 oz	Dairy	Cheese
10 oz	Mild Colby 10 oz	Dairy	Cheese
sm.	Chicken Salad Sand Spread	Meat	Spread
sm.	Ham Salad Sand Spread	Meat	Spread
sm.	Pimento Salad Sand Spread	Meat	Spread
sm.	Tuna Salad Sand Spread	Meat	Spread
sm.	Jalapeno Salad	Meat	Spread
	Large Eggs	Dairy	Eggs
	Large Eggs	Dairy	Eggs
	Large Eggs	Dairy	Eggs
	PARKAY 1 LB. STICK QTRS	Dairy	Margarine
8 oz	PARKAY 2/8 oz	Dairy	Margarine
12 oz	ARM. MEAT FRANKS- 12 oz	Meat	Hot Dog
16 oz	ECK SMOKED GRILLERS- 16 oz	Meat	Hot Dog
16 oz	ECK MEAT SMOKED- 16 oz	Meat	Hot Dog
16 oz	ECK CORN DOGS- 16 oz	Meat	Hot Dog
7 oz	SWIFT BNS ORG LINKS- 7 oz	Breakfast	Sausage
7 oz	SWIFT BNS BEEF LINKS- 7 oz	Breakfast	Beef
7 oz	SWIFT BNS PATTIES- 7 oz	Breakfast	Sausage
4 pk	SWIFT SAUSAGE N BISCUITS- 4pk	Breakfast	Sausage
	ECK FUN KIT- HAM	Lunch Kit	Ham
	ECK FUN KIT- TURKEY	Lunch Kit	Turkey
	ECK LUNCHMAKER- HAM	Lunch Kit	Ham
	ECK LUNCHMAKER- TURKEY	Lunch Kit	Turkey
	ECK LUNCHMAKER- PEPPERONI	Lunch Kit	Pepperoni
	ECK LUNCHMAKER- BOLOGNA	Lunch Kit	Bologna
10 oz	ECK HONEY HAM- 10 oz	Meat	Ham
10 oz	ECK COOKED HAM- 10 oz	Meat	Ham
16 oz	ECK BOLOGNA- 16 oz	Meat	Bologna
16 oz	BB O/R TURKEY- 16 oz	Meat	Turkey
12 oz	BB VARIETY PACK- 12 oz	Meat	Combo
16 oz	ARM ORG MEATBALLS- 16 oz	Meat	Beef
16 oz	ARM CHICKEN NUGGETS- 16 oz	Chicken	Chicken
2 lb	Buffalo Wings- Fully Cooked 2 lb	Chicken	Wings
17 oz	Ma Kids Pepp (4 pk) Pizza 17 oz	Pizza	Pepperoni
10 ct	10 ct Waffle	Breakfast	None
5 oz	Red Bean Chili Beef Burrito 5 oz	Burrito	Bean & Beef
5 oz	Bean/Cheese Burrito 5 oz	Burrito	Bean & Cheese
5 oz	Beef/Cheese Burrito 5 oz	Burrito	Beef & Cheese
16 oz	Eckrich Ham & Cheese 16 oz	Meat	Ham
	Morton Chicken Pot Pie	Pot Pie	Chicken
	Morton Beef Pot Pie	Pot Pie	Beef
	Morton Salisbury Steak Dinner	None	None

Size	Description (25 characters maximum)	Product	Type
	Morton Turkey Dinner	None	Turkey
12 oz	Eckrich 12 oz IWS Cheese	Dairy	Cheese
12 oz	Armour Bacon	Meat	Bacon
18 oz	KC Masterpiece BBQ Beef	Meat	Beef
	Large Eggs	Dairy	Eggs
2 lb	Chicken Breast	Meat	Chicken
2 lb	Chicken Wings	Meat	Chicken
2 lb	Straight Cut French Fries	None	None
2 lb	Straight Cut French Fries	None	None
12 oz	ARMOUR BOLOGNA 12 oz	Meat	Bologna
12 oz	Merico biscuits	None	biscuits
12.4 oz	Cinnamon Rolls	None	rolls
32 oz	Flanders Beef Patties	Meat	None
24/ 8.5 oz	Mama Rosa Party Pizza	Pizza	None
24/ 8.5 oz	Mama Rosa Pepperoni Pizza	Pizza	Pepperoni
24/ 4 oz	Hot Picks Pepperoni	None	Pepperoni
24/ 4 oz	Hot Picks Ham & Cheese	None	None
6/ 32 oz	Banquet Economy Meals Lasagna	None	None
6/ 32 oz	Banquet Economy Meals Salisbury	None	None
12/ 10 oz	Butterball Honey Turkey Breast	Meat	Turkey
12/ 16 oz	Butterball Bun Size Franks	Meat	Hot Dog
12/ 16 oz	Eckrich Cheddar Links	Meat	Hot Dog
24/ 16 oz	Eckrich Meat Franks	Meat	Hot Dog
15/ 16 oz	Eckrich Skinless Smoked Sausage	Meat	Hot Dog
12/ 16 oz	Eckrich Variety Pac	Meat	None
32 oz	48 ct Fathoms Crunchy Fish Sticks	Meat	None

Size	Description (25 characters maximum)	Product
Gal	Purity Gallon Homogenized	Dairy
Gal	Purity Gallon Sweet Acidophilus	Dairy
Gal	Purity Gallon Skim	Dairy
Gal	Gallon Homogenized	Dairy
Gal	Gallon 2%	Dairy
Gal	Gallon Skim	Dairy
HG	1/2 Gallon Buttermilk	Dairy
HG	Homo Milk HG	Dairy
HG	Purity 2% HG	Dairy
Quart	Quart Egg Nog	Dairy
Quart	Quart Boiled Custard	Dairy
Quart	Quart Low fat Buttermilk	Dairy
Quart	Quart Milk	Dairy
Pint	Plastic Pint Homogenized	Dairy
Pint	Plastic Pint 2%	Dairy
Pint	Strawberry Pint Milk	Dairy
Pint	Plastic Pint Chocolate	Dairy
Pint	Low Fat Choc Pint	Dairy
Gal	Gallon Breakfast Orange	Dairy
Gal	Purity Sweet Tea Gal	Dairy
HG	1/2 Gallon Pure Orange Juice	Dairy
HG	1/2 Gallon Purity Lemonade	Dairy
Pint	Plastic Pint Orange Juice	Dairy
Pint	Plastic Pint Lemonade	Dairy
Pint	Plastic Pint Jungle Juice	Dairy
Pint	Plastic Pint Orange Drink	Dairy
Pint	Plastic Pint Tea	Dairy
8 oz	8 oz Chip N Dip	Dairy
8 oz	8 oz Cottage Cheese	Dairy
8 oz	8 oz Sour Cream	Dairy
8 oz	Jalapeno Dip	Dairy
Quart	Acidophilus Milk	Dairy
Quart	Skim Milk	Dairy
hg	Chocolate Milk	Dairy
Pint	Purity 1/2 & 1/2	Dairy
Gal	Orange Kreature Kooler	Dairy
Gal	Lemon Kreature Kooler	Dairy
Gal	Grape Kreature Kooler	Dairy
Gal	Punch Kreature Kooler	Dairy
Gal	Purity Gal OJ	Dairy

Vendor

Purity TN

Class	Vendor #	Vendor	Style	Size	Description (25 characters maximum)	UPC	SKU
1187	10919	Purity	1524	Pint	Purity Homemade Vanilla	070778602003	CON5024
1187	10919	Purity	524	Pint	Purity Strawberry	070778603000	CON5025
1187	10919	Purity	1525	Pint	Purity Chocolate	070778604007	CON5026
1187	10919	Purity	1526	Pint	Purity Butter Pecan	070778605004	CON5027
1187	10919	Purity	1527	Pint	Purity Pralines n' Cream	070778610008	CON5028
1187	10919	Purity	1528	Pint	FF Orange Sherbert	070778056509	CON5030
1187	10919	Purity	1529	Pint	FF Rainbow Sherbert	070778056752	CON5031
1187	10919	Purity	1530	Pint	FF Choc. Raspberry	070778150306	CON5032
1187	10919	Purity		Pint	Purity Cookies n' Cream Pint	070778608005	CON5029
1187	10919	Purity	1531	Pint	Nutty Buddy	070778150610	CON5033
1187	10919	Purity	1532	Pint	Moose Tracks	070778150382	CON5034
1187	10919	Purity		Pint	Purity Moosic City Pint	070778617601	DS101120
1187	10919	Purity	1500	HG	Vanilla Square	070778551004	CON5000
1187	10919	Purity	1501	HG	Strawberry Square	070778553008	CON5001
1187	10919	Purity	1502	HG	Chocolate Square	070778554005	CON5002
1187	10919	Purity	1503	HG	Butter Pecan Square	070778555002	CON5003
1187	10919	Purity	1504	HG	Chocolate Chip Square	070778556009	CON5004
1187	10919	Purity	1505	HG	Neapolitan Square	070778557006	CON5005
1187	10919	Purity	1506	HG	Cookies n' Cream Square	070778558003	CON5006
1187	10919	Purity	1507	HG	Choc Chip Cookie Dough Square	070778559000	CON5007
1187	10919	Purity	1507	HG	Black Walnut Square	070778551509	DS100887
1187	10919	Purity		HG	Orange Sherbet HG	070778056011	DS101135
1187	10919	Purity		HG	Rainbow Sherbet HG	070778056059	DS101136
1187	10919	Purity	1513	6 pk	Nutty Buddy 6 pk	070778822005	CON5013
1187	10919	Purity	1514	6 pk	Big Dipper Bar 6 pk	070778824009	CON5014
1187	10919	Purity		6 pk	Fudge Bar 6 pk	070778201701	DS100756
1187	10919	Purity		6 pk	Chocolate Sprinkle Bar 6 pk	070778201312	DS100757
1187	10919	Purity		6 pk	Strawberry Sprinkle Bar 6 pk	070778201374	DS100758
1187	10919	Purity	1508	4 qt	Vanilla Pail	070778520000	CON5008
1187	10919	Purity	1509	4 qt	Chocolate Pail	070778521007	CON5009
1187	10919	Purity	1510	4 qt	Fudge Ripple Pail	070778522004	CON5010
1187	10919	Purity	1511	4 qt	Neapolitan Pail	070778523001	CON5011

Vendor

Purity TN

Class	Vendor #	Vendor	Style	Size	Description (25 characters maximum)	UPC	SKU	
1187	10919	Purity	1512	3 oz	Ice Cream Sandwich 3 oz	070778802007	CON5018	
1187	10919	Purity	1519	3 oz	Nutty Buddy 3 oz	070778832004	CON5019	
1187	10919	Purity	1516	24 pk	Asst. Pops 24 pk	070778811009	CON5016	
1187	10919	Purity	1517	24 pk	Fudge Pops 24 pks	070778813003	CON5017	
1187	10919	Purity	1512	12 pk	Ice Cream Sandwich 12 pk	070778821008	CON5012	
1187	10919	Purity	1515	12 pk	Banana Pops 12 pk	070778815007	CON5015	
1187	10919	Purity		12 pk	Purity 3 oz Van Cups 12 ct	070778071502	DS101118	
1187	10919	Purity		12 pk	Purity 3 oz Choc Cups 12 ct	070778071519	DS101119	
1187	10919	Purity		HG	Goldenrod 1/2 gal Vanilla	070473500017		7/7/03
1187	10919	Purity		HG	Goldenrod 1/2 gal Chocolate	070473500024		7/7/03
1187	10919	Purity		HG	Goldenrod 1/2 gal Fudge Swirl	070473500086		7/7/03
1187	10919	Purity		HG	Goldenrod 1/2 gal Neapolitan	070473500048		7/7/03
1187	10919	Purity		HG	Peanut Butter Fudge	070778568019		effec 02-09-02
1187	10919	Purity		HG	Orange Pineapple	070778568033		effec 02-09-03
1187	10919	Purity		HG	Cherry Vanilla	070778568040		effec 02-09-04
1187	10919	Purity		HG	Raspberry Sherbet	070778056042		effec 02-09-05
1187	10919	Purity		HG	Fudge Ripple Ice Cream	070778561003		effec 02-09-06
1187	10919	Purity		24 ct	Orange Push Up	072623062505		effec 02-09-11
1187	10919	Purity		12 ct	Ripple Cups	070778071526		effec 02-11-01
1187	10919	Purity		Pint	O'Charley's Ice Cream	070778501559		effec 03-11-02
1187	10919	Purity		24 ct	Col Crunch Chocolate	070778005101		effec 03-11-02
1187	10919	Purity		24 ct	Col Crunch Strawberry	070778005125		effec 03-11-02
1187	10919	Purity		24 ct	Snickers Big One	047677000070		effec 03-11-02
1187	10919	Purity		6 pk	6 pk Purity Ice Cream Sandwich	070778820001		effec 11-05-02
1187	10919	Purity		24 ct	Purity Ice Cream Sandwich 3 oz	070778802007		effec 03-14-03
1187	10919	Purity		24 ct	Purity Nutty Buddy 3 oz	070778832004		effec 03-14-03
1187	10919	Purity		24 ct	Klondike Original Vanilla Bar	075856001808		effec 03-14-03
1187	10919	Purity		24 ct	Good Humor Choco Taco	070547014983		effec 03-14-03
1187	10919	Purity		24 ct	Good Humor Strawberry Shortcake	041000054143		effec 03-14-03
1187	10919	Purity		24 ct	Good Humor Chocolate Eclair	041000054150		effec 03-14-03
1187	10919	Purity		24 ct	Good Humor Prem Cookie Sandwich	077567018038		effec 03-14-03
1187	10919	Purity		24 ct	Good Humor Firecracker Supersicle	077567005144		effec 03-14-03
1187	10919	Purity		12 ct	Nestle Drumstick Supreme	072554218002		effec 03-14-03
1187	10919	Purity		24 ct	Nestle Flinstone Rainbow Pushup	072554000072		effec 03-14-03
1187	10919	Purity		24 ct	Nestle Crunch Bar/Vanilla King	028000017507		effec 03-14-03
1187	10919	Purity		24 ct	Butterfinger Bar/King	028000718008		effec 03-14-03
1187	10919	Purity		6 pk	Orange Cream Bar	070778201718		effec 06-23-03

General Food List
Breakfast Items
Cereals
Juice
Crackers
Cookies
Pringles
Chips
Canister Snacks
Nuts
Pegged Candy
Bagged Candy
Drink Mix
Water
Pasta, Rice, & Canned Meats
Canned Vegetables
Soups
Ethnic Foods
Condiments
Baking, Desserts, & Fruit
Spices
Coffee & Tea
Soda
Popcorn & Salsa
Snacks
Quick Meals
King Size Candy Bars
Regular Candy Bars
Clover Valley Candy
Gum & Mints
10/\$1 Candy
4/\$1 Candy
Frito Lay
Little Debbie
Archway Cookies

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

Blank lines for providing reasons for supporting the request.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

We are strongly against - because  
1) Increase in crime -  
2) Traffic issues  
3) Safety  
4) beauty of our natural landscape and mountain view  
pls see attached

(Attach additional sheets, if necessary)

PRINT NAME(S):

Daniel B Gladman + Lorraine L Burkey Gladman

SIGNATURE(S):

Daniel B Gladman  
Lorraine L Burkey Gladman

IDENTIFICATION NUMBER:

12415577

(the eight-digit identification number found on the tax

In speaking with our friends / neighbors we all agree that this is not what we want for our area.  
We oppose this!!!

Lorraine + Dan Gladman

Supervisors. Submission review by the applicant or March 25, 2019 to be the staff report to the open comment deadline [ann@cochise.az.gov](mailto:ann@cochise.az.gov). Comments to be verbally noted at the March 25, 2019 meeting for the Planning and Zoning Commissioners or Board of Supervisors. Appreciated.

## Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

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NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

we already have 2 stores in Benson. what will happen if they go out of business can anyone take over the building or what.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Bruce & Paula Kleifgen

SIGNATURE(S):

Bruce P. Kleifgen  
Paula Kleifgen

YOUR TAX PARCEL NUMBER: 1280000-435 (the eight-digit identification number found on the tax statement from the Assessor's Office)

124-03-339A?

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence 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 no later than **5 PM on Monday March 25, 2019** to be included in the staff report to the Commission, and by **Monday April 22, 2019** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Robert Kirschmann at [rkirschmann@cochise.az.gov](mailto:rkirschmann@cochise.az.gov). Comments received after the November 1 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

# Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

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NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

*Traffic ~ Light Pollution ~ Noise ~ Garbage  
Storage ~ Fences ~ Shoplifters ~ Problems  
One less than 8 min in Benson*

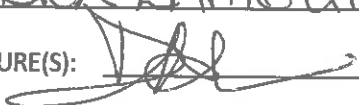
*See attached*

(Attach additional sheets, if necessary)

PRINT NAME(S):

*DEBRA LAMOUAREUX*

SIGNATURE(S):



YOUR TAX PARCEL NUMBER: 124-15-50407 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence 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 no later than **5 PM on Monday March 25, 2019** to be included in the staff report to the Commission, and by **Monday April 22, 2019** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Robert Kirschmann at [rkirschmann@cochise.az.gov](mailto:rkirschmann@cochise.az.gov). Comments received after the November 1 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

ANOTHER DOLLAR GENERAL? THERE IS ONE LESS THAN 10 MINUTES DOWN THE ROAD. WHY WOULD WE NEED ANOTHER? WILL THIS LEAD TO INCORPORATION? HIGHER TAXES? NO THANKS.

THINK -

TRAFFIC ROAD IS ALREADY FAST MOVING, DANGEROUS. ALSO QUITE HILLY IN SPOTS WHICH OBSCURES VISION OF ONCOMING AND SIDE ENTERING TRAFFIC. FOOT TRAFFIC WILL INCREASE AND THUS, THE DANGER.

LIGHT POLLUTION SEEING THE SKIES UNALTERED IS A REASON I MOVED TO A RURAL AREA. WITH DARK ARRIVING AT 5 P.M. IN THE WINTER, I AM SURE VIEWING THE NIGHT SKY WILL BE IMPEDED BY THE LIGHTING

NATURE I ENJOY THE ANIMALS AND PLANTS IN OUR AREA AND THIS WILL DISPLACE BOTH. ESPECIALLY THE ANIMALS. HERDS OF DEER AND COYOTES AND JAVALINA. GROUPS OF QUAIL, ROADRUNNERS ETC.

GARBAGE MESCAL IS ALREADY HORRIBLY LITTERED UPON. THIS WILL INCREASE THE MESS.

MORE OF SIGNAGE - LOITERERS - SHOPLIFTERS - ROBBERIES

8 TO 12 PEOPLE HIRED? THAT IS NOT A BIG INCENTIVE WHEN YOU LOOK AT ALL WE SHALL LOSE. ALSO, RETENTION OF EMPLOYEES IS A DIFFICULT PROSPECT IN OUR AREA.

WE HAVE A BUSINESS SECTION OF MESCAL ALREADY. WHY PLACE THIS IN A RESIDENTIAL RURAL AREA? AN AREA WHERE PEOPLE COME TO FILM DUE TO THE PANARAMIC VIEWS AND MOVIE SET?

NO, NO, AND AGAIN, I SAY NO.

**From:** [Grant McCune](#)  
**To:** [Kirschmann, Robert](#)  
**Subject:** special use docket su-19-05 and z-19-02 (Dollar General)  
**Date:** Sunday, March 24, 2019 8:32:30 PM

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As a resident within a mile of the proposed building site for the Dollar General, my house hold is not in favor of the rezoning of residential property for special use authorization.

The primary reason for our objection is due to the fact that there are multiple available properties that are already zoned for commercial use off of the Mescal Frontage Rd. We feel that one of the commercial properties available would better suit the business as opposed to being in a predominantly residential area. A dollar general site on the frontage road could provide better visibility from I-10 giving potential for additional sales and would be more sustainable by using an existing building or site.

Also, if a Dollar General were to move into a mostly residential part of Mescal Road, what is the projected impact to the housing market in the surrounding area? Will they be providing a safe area for school bus pick up along Mescal as well since we have a significant number of school-aged children?

We would also be interested in knowing what the projected sales are, if any, and how that would be used to aid our community. If the projected traffic to this new store would greatly increase the use of Mescal Road upon approval of the rezoning, the developer should be held legally accountable to aid in the maintenance of the road.

With the close proximity to the Quick Pick gas station we also see occasional truckers. Would the Dollar General be trying to encourage this audience? if so, what is their plan to provide ample parking or aid to the existing Quick Pick for improvements to better suit the needs of those that travel through our area?

We also already have a Dollar General and dollar tree in town, what is the point of having a third location so close? Will that not impact sales at those sites from the J6 and Mescal community members?

Sincerely,

Grant and Kellie McCune

Sent from my iPhone

# Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

\_\_\_\_\_ **YES, I SUPPORT THIS REQUEST**  
Please state your reasons:

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**NO, I DO NOT SUPPORT THIS REQUEST:**  
Please state your reasons:

Where to start? Closed stores of this kind in Benson and  
Huchucha City already. Caliber of clients this would draw.  
Eventually another empty building that some body would  
take over to store rusty wrecked cars on case in point the  
old Bobbe Joe's bar, an eyesore for an already suffering  
part of the community. plastic trash everywhere. It an  
absolute no for us

(Attach additional sheets, if necessary)

PRINT NAME(S):

Jill Milligan

SIGNATURE(S):



YOUR TAX PARCEL NUMBER: 12415582-3 (the eight-digit identification number found on the tax statement from the Assessor's Office) 12415583

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence 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 no later than **5 PM on Monday March 25, 2019** to be included in the staff report to the Commission, and by **Monday April 22, 2019** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Robert Kirschmann at [rkirschmann@cochise.az.gov](mailto:rkirschmann@cochise.az.gov). Comments received after the November 1 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

**From:** [Jill Milligan](#)  
**To:** [Kirschmann, Robert](#)  
**Subject:** Dollar General Store/Mescal Feedback  
**Date:** Friday, March 22, 2019 8:00:08 AM  
**Attachments:** [Cochise County Document.pdf](#)

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Good morning Mr. Kirschmann

I have attached my response but it looks rather sloppy so I will reiterate what I wrote on the form. I very much oppose this store being built. What kind of a crowd would it draw? Driving through Huachuca City and Benson where similar stores, on much busier streets, have already closed should speak volumes. Currently in Benson there are 2 side by side stores of this type which in itself is ridiculous.

Eventually IF this store is built, it will go out of business and somebody will come in and turn it into yet another junkyard for cars etc like we already have way too much of in this area (case in point Bobbie Joe's bar now a wrecking yard and Uhaul facility, and an eyesore of the worst kind). Living in Mescal is already a challenge with the low rent caliber of people who abandon homes (and animals), don't tend to their yards and just junk this place up. If this is allowed to be built, it is a guarantee on my part that we will be leaving Cochise County for good. I have been here 26 years and have seen so many areas turned to ruin. A store like this would be the final straw.

Thank you for your time and consideration.

Jill Milligan  
550 N. Pine Rd.  
Benson, AZ 85602

# Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

\_\_\_\_ YES, I SUPPORT THIS REQUEST  
Please state your reasons:

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NO, I DO NOT SUPPORT THIS REQUEST: 111111  
Please state your reasons:

We do not want to have commercial development in our area!!!  
We moved here to get away from the city. Has there been  
Traffic studies? Has there been water studies? Dollar General  
is not the only proposed retail "store" this company wants to bring  
here! Please allow us to continue to enjoy our rural lifestyle!  
There is already a Dollar General in Benson. They sell cheaply made  
garbage!

(Attach additional sheets, if necessary)

PRINT NAME(S): Wayne Murzyn Kathleen Murzyn

SIGNATURE(S): Wayne Murzyn  
Kath Murzyn

YOUR TAX PARCEL NUMBER: 124-03-01808 (the eight-digit identification number found on the tax statement from the Assessor's Office)

019 ?  
020 .

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence 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 no later than 5 PM on Monday March 25, 2019 to be included in the staff report to the Commission, and by Monday April 22, 2019 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Robert Kirschmann at [rkirschmann@cochise.az.gov](mailto:rkirschmann@cochise.az.gov). Comments received after the November 1 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

### Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

\_\_\_\_ YES, I SUPPORT THIS REQUEST

Please state your reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

I feel the area is beautiful high grassy desert that shouldn't be rezoned to commercial a Dollar General store. The two ranch houses there will be looking out the windows at a mall store. The traffic will be a problem. This is a rural residential area. We have a (college) store in the area.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Laura Whitaker

SIGNATURE(S):

Laura Whitaker

YOUR TAX PARCEL NUMBER:

12415102

(the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO:

Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

**From:** [fungrma44](#)  
**To:** [Kirschmann, Robert](#)  
**Subject:** Mescal Dollar General store  
**Date:** Tuesday, April 2, 2019 1:02:03 PM

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After our phone conversation I have several concerns about the Mescal Dollar General location.

1. Where will they get their water from? I, we are having water pressure problems from time to time with Mescal Lakes water systems.
2. The increased traffic
3. The increase in night lighting from store signs.
4. I am concerned about what will be added on the balance of the parcel Mr Lechner purchased at a later date. It could become a strip mall later.
5. Property taxes would increase.
6. I moved here from Portland, Ore Vancouver, Wa to get away from those bigger city problems and have the simpler retirement life.

Thank you for taking the time to talk to me and explain both locations and concerns.

Joann Wisner  
3179 w Cindy Way  
Benson az 85602  
Sent from my T-Mobile 4G LTE Device

# Special Use Docket SU-19-05 and Z-19-02 (Dollar General)



**YES, I SUPPORT THIS REQUEST**

Please state your reasons:

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**NO, I DO NOT SUPPORT THIS REQUEST:**

Please state your reasons:

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(Attach additional sheets, if necessary)

PRINT NAME(S):

GERARD CONRAD

CANDACE J CONRAD

SIGNATURE(S):





YOUR TAX PARCEL NUMBER: 124-05-00303 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence 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 no later than 5 PM on Monday March 25, 2019 to be included in the staff report to the Commission, and by Monday April 22, 2019 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Robert Kirschmann at [rkirschmann@cochise.az.gov](mailto:rkirschmann@cochise.az.gov). Comments received after the November 1 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

## Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

**YES, I SUPPORT THIS REQUEST**

Please state your reasons:

*A Dollar General # would be a welcome store in  
this area*

**NO, I DO NOT SUPPORT THIS REQUEST:**

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

*Elaine Eberle*

SIGNATURE(S):

*Elaine Eberle*

YOUR TAX PARCEL NUMBER: 12420065 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence 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 no later than **5 PM on Monday March 25, 2019** to be included in the staff report to the Commission, and by **Monday April 22, 2019** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Robert Kirschmann at [rkirschmann@cochise.az.gov](mailto:rkirschmann@cochise.az.gov). Comments received after the November 1 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

## Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

**YES, I SUPPORT THIS REQUEST**

Please state your reasons:

*Yes I support This Request We have lived in Mescal since 2000 and I Retired here in 2007 We need progress it will make our community grow and worth more.*

**NO, I DO NOT SUPPORT THIS REQUEST:**

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

SIGNATURE(S): John R & Donna Good

*John R Good Donna J. Good*

YOUR TAX PARCEL NUMBER: 124-15-49401 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence 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 no later than **5 PM on Monday March 25, 2019** to be included in the staff report to the Commission, and by **Monday April 22, 2019** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Robert Kirschmann at [rkirschmann@cochise.az.gov](mailto:rkirschmann@cochise.az.gov). Comments received after the November 1 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

IT WILL PROBABLY SAVE MESCAL + J-SIX RESIDENTS TIME AND VEHICLE FUEL TO SHOP IN MESCAL INSTEAD OF TRAVELLING TO BENSON OR OTHER LOCALITIES.  
Good luck MG

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): GARY GEORGE GREGORY + KATHERINE RUTH GREGORY

SIGNATURE(S): Kath Ruth Gregory 3-

[Signature]

YOUR TAX PARCEL NUMBER: 124-15-289 (the eight-digit identification number found on the tax statement from the Assessor's Office) 124-15-288  
124-15-289

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence 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 no later than 5 PM on Monday March 25, 2019 to be included in the staff report to the Commission, and by Monday April 22, 2019 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Robert Kirschmann at [rkirschmann@cochise.az.gov](mailto:rkirschmann@cochise.az.gov). Comments received after the November 1 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

# Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

**YES, I SUPPORT THIS REQUEST**  
Please state your reasons:

I am old <sup>99 yrs</sup> and only drive on side roads in Mesquite  
and I'd so would be great for me. Hope they are  
moving some grocs. Also have rentals in area so would  
be a plus for them.  
We also need a good restaurant you & do have a  
driver license

**NO, I DO NOT SUPPORT THIS REQUEST:**  
Please state your reasons:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

1200001-173 Cochise Lane 96  
124-15-187 0 Thistle Mesa  
124-15-459 0 Lender Lane <sup>Mesa</sup>  
124-03-147 B7 Mustang 96

(Attach additional sheets, if necessary)

if  
My other top members

PRINT NAME(S): MOZELLE KLEIFGEN

SIGNATURE(S): Mozelle Kleifgen  
March 22, 2019

YOUR TAX PARCEL NUMBER: 1200001-173 (the e  
statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Comr  
of this form or any other correspondence becomes part of the public rec  
other members of the public. Written comments must be received no l;  
included in the staff report to the Commission, and by **Monday April 2**  
Board of Supervisors. We cannot make exceptions to these deadlines; ho  
for any staff report you may still mail or send e-mail comments to Rok  
Comments received after the November 1 deadline must be received pric  
at the meeting. You may also personally make a statement at the public  
**Zoning Commission and May 7, 2019 for the Board of Supervisors.** NOT  
members to accept written comments or petitions at the meeting; your c



RETURN TO: Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

# Special Use Docket SU-19-05 and Z-19-02 (Dollar General)



YES, I SUPPORT THIS REQUEST

Please state your reasons:

Development supports the growth of our church.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

John J Martin

SIGNATURE(S):

John J Martin, Treasurer  
Peace in the Valley Lutheran Church

YOUR TAX PARCEL NUMBER:

12414060C

(the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO:

Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

## Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

**YES, I SUPPORT THIS REQUEST**

Please state your reasons:

*THIS IS NEEDED HERE AS THE QUICK PIC WE HAVE HERE IS A RIPOFF  
AND THE MERCHANDISE IS NOT ALWAYS FRESH. HAVING A DOLLAR GENERAL  
HERE WILL SAVE US ALOT OF TRAVEL TIME GETTING A LOAF OF BREAD OR MILK.*

**NO, I DO NOT SUPPORT THIS REQUEST:**

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

*VERNIE RATHBUN*

SIGNATURE(S):

*Vernie Rathbun*

YOUR TAX PARCEL NUMBER: 124-15-214 5 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO: Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

① CONVENIENCE !! PROGRESS FOR OUR AREA!  
② WILL NOT HAVE TO DRIVE ON OUR DANGEROUS INTERSTATE SINCE THERE IS NO FRONTAGE ROAD.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S): RONALD P. RUNNER & KATHERINE M. RUNNER

SIGNATURE(S): *Ronald P. Runner*  
*Katherine M. Runner*

YOUR TAX PARCEL NUMBER: 12415092 (the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO: Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

# Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

The people in the area need a store where they can get some of the things they need at a reasonable price. They also may not be able to go to Benson to do that.

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Thomas A Saniga

SIGNATURE(S):

Thomas A Saniga

YOUR TAX PARCEL NUMBER: 12406001Z (the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO: Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

PLANNING  
MAR 29 2018  
COCHISE COUNTY

# Special Use Docket SU-19-05 and Z-19-02 (Dollar General)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

THIS RETAIL FACILITY WOULD BE A GREAT SERVICE FOR MESCAL-J6 COMMUNITY. PRESENTLY WE ARE UNDER-SERVED AND HAVE TO TRAVEL SEVERAL MILES FOR RETAIL SERVICES. HAVING THIS OPTION WOULD CUT DOWN ON TRAFFIC CONGESTION AND AID THE LOCAL ECONOMY. THIS SHOULD BE APPROVED

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

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(Attach additional sheets, if necessary)

PRINT NAME(S):

RONALD H. VAN LOAN

SIGNATURE(S):

Ronald H. Van Loan

YOUR TAX PARCEL NUMBER:

12420093  
12420092

(the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence 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 no later than 5 PM on Monday March 25, 2019 to be included in the staff report to the Commission, and by Monday April 22, 2019 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Robert Kirschmann at [rkirschmann@cochise.az.gov](mailto:rkirschmann@cochise.az.gov). Comments received after the November 1 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the public hearing on April 10, 2019 for the Planning and Zoning Commission and May 7, 2019 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

**From:** [chack2@juno.com](mailto:chack2@juno.com)  
**To:** [Kirschmann, Robert](mailto:Kirschmann, Robert)  
**Cc:** [chack2@juno.com](mailto:chack2@juno.com)  
**Subject:** Re: 124-15-020  
**Date:** Tuesday, March 26, 2019 10:44:54 PM

---

As we discussed early today. My mother passed and left me trustee of her estate. I have not had a chance to change the name on the property.

I have decided to support the decision made by the majority of the residents of Mescal Lakes regarding the building of the Dollar General Store.

If there are any more questions, you may call me at 314-429-7163 or continue to write me at the St. Louis, MO address.

Edith Hagler Parcel ID: 12415020

Carolyn Hackworth

----- Original Message -----

**From:** "Kirschmann, Robert" <[RKirschmann@cochise.az.gov](mailto:RKirschmann@cochise.az.gov)>  
**To:** "chack2@juno.com" <[chack2@juno.com](mailto:chack2@juno.com)>  
**Subject:** 124-15-020  
**Date:** Tue, 26 Mar 2019 22:17:47 +0000

As we discussed.

## **Robert Kirschmann**

Planner II

Cochise County Community Development

Development Services Department

1415 Melody Lane, Building E

Bisbee, AZ 85603

520-432-9248

520-432-9278 fax

*Public Programs...Personal Service*

[www.cochise.az.gov](http://www.cochise.az.gov)

## SUMMARY OF COCHISE COUNTY DEPARTMENT COMMENTS

**Docket: Z-19-02 and SU-19-05 (Dollar General)**

### **Floodplain:**

1. Per Section 1.2 and 2.3 of ADEQ 2013 Construction General Permit and Section 8.02 of Cochise County Stormwater Ordinance, please submit NOI (Notice of Intent) to ADEQ. Once the NOI Certificate is obtained submit a copy to Cochise County.
2. Since the project is located outside Cochise County's current MS4 jurisdiction, Cochise County will not require a SWPPP (Stormwater Pollution Prevention Plan) to be submitted to the county for this project. However, it is recommended that Section 2.2 of ADEQ 2013 CGP – Prerequisites for submitting a NOI be visited to check ADEQ's requirements for a SWPPP. If a SWPPP is required by ADEQ, please submit a copy of the SWPPP and NOI within the Drainage Analysis to Cochise County when the development package (plans, drainage analysis), etc.) is submitted to Cochise County Development Services.
3. Per Section 5.1 (D)(1) Adverse Impact of Cochise County Floodplain Regulations, that reads: "The cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one tenth of a foot along adjacent boundaries, and will not increase the velocity by more than 10%." Please show in proposed design and ensure that the construction of this project will not create any adverse effects on neighboring parcels.

### **Highway:**

ROW permit and complete plans regarding access will be required.

### **ROW:**

1. Mescal Road is a County Maintained Road (MI# 624)
2. 50' wide public right-of-way established in Mescal Lakes Unit II Final Plate recorded in Book 8 of Maps and Plats, pages 36-36B.
3. Mescal Road is classified as a County Collector Road. County Road Design Standards require a right-of-way width between 80 and 100 feet.
4. **Further right-of-way dedication is required for Mescal Road at this time. County right-of-way agent will prepare documents necessary to convey 50' of dedicated public right-of-way.**

### **Environmental Health:**

1. Plan review for the store is required
2. Review and approval of the septic system is required.



# Cochise County Engineering & Natural Resources

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

JACKIE WATKINS, PE, PTOE  
Director

## INTEROFFICE MEMO

**Date:** March 20, 2019  
**To:** Robert Kirschmann, Planner II  
**From:** Teresa Murphy, Right-of-Way Agent  
**Subject:** SU-19-05 & Z-19-02 (Dollar General)

### Analysis:

- Access via Mescal Road
- Mescal Road is a County Maintained Road (MI# 624)
- 50' wide public right-of-way established in Mescal Lakes Unit II Final Plate recorded in Book 8 of Maps and Plats, pages 36-36B.
- Mescal Road is classified as a County Collector Road. County Road Design Standards require a right-of-way width between 80 and 100 feet.

### Recommendation:

- Further right-of-way dedication is required for Mescal Road at this time. County right-of-way agent will prepare documents necessary to convey 50' of dedicated public right-of-way.

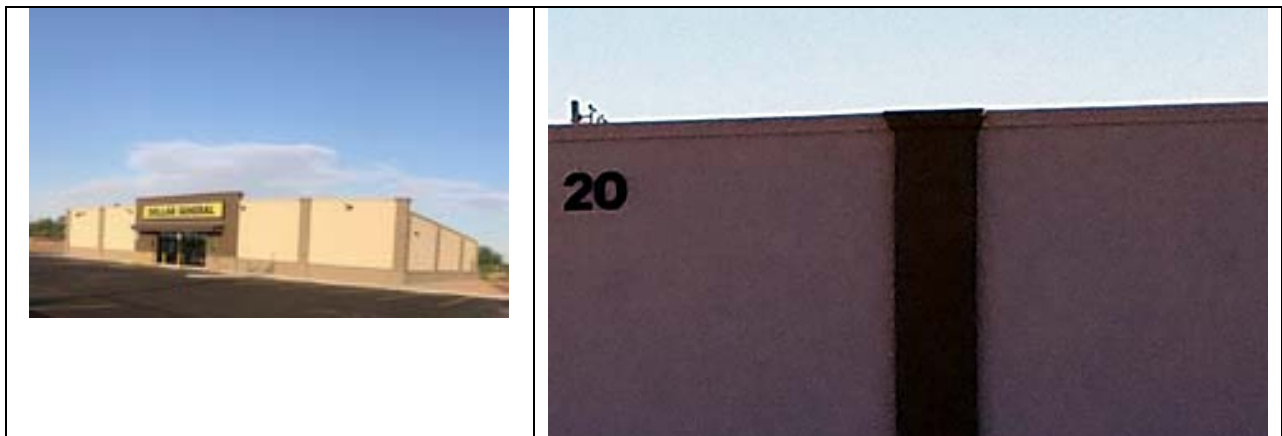
March 17, 2019

Robert Kirschmann, Planner II  
Cochise County Planning and Zoning

Re: SU-19-05 and Z-19-02 Dollar General  
Tax Parcel # 124-05-003N

Please find our questions/comments below regarding the combined application for a Dollar General Store in Mescal.

**A. Page 3 - Part Two-Section A-Questionnaire-Question 5** What materials will be used to construct the building? – Response indicates Metal Building with abbreviations which are unfamiliar to us. Russ Salmon, Project Manager, provided several photos as to what the store would look like. Via a prior phone call they also stated that the proposed store would be very similar to the St. David Dollar General in appearance and product line. We are asking that the Description provided in their response above reflect the exterior treatment we see in the following image on the left that the company provided. The right image is an enlarged portion of the St. David Dollar General.



The following, located near Roper Lake, is not what we are expecting from communication with Russ:



**B. Page 3 – Part Two-Questionnaire-Section A – Question 7C(1) Total average daily traffic generated: How many vehicles will be entering and leaving the site? The response provided was “a daily total of 521 vehicles will enter and leave the site”.** This appears to be contradictory to statement under #7 on Page 14 of the transmittal packet that states: “The site is expected to generate a peak hourly rate of about 28 vehicular trips into or out of the proposed retail store development.” A more accurate vehicle projection is needed to adequately consider the impacts to local roadways.

**C. Page 4 – Part Two-Questionnaire-Section A – Questions 7H – For Special Uses Only – provide deed restrictions that apply to this parcel if any. Response is NA** Is this answer in sync with the answer on

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 \_\_\_\_\_

The second bullet is not answered. Without attached Deed Restrictions, it is not possible to understand the answers for each of these questions. Are Deed Restrictions readily available to where we may get a copy?

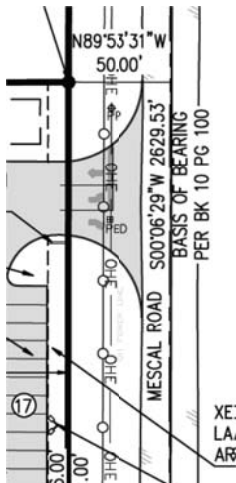
D. Page 6 – Part Two Questionnaire – Section B – Question 13

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? NONE

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.

Since this is a combined application, we are not sure if these responses from the SU and Z Applications should be more closely aligned.

Page 12 –



With a daily total of 521 vehicles (See B Above) and the discrepancy later suggested by 28 cars per peak hour, it is concerning as to what impacts will actually be placed on Mescal commuters.

Existing conditions reported in the Northwest Transportation Study (Section 2.3.2) finalized in 2015 states: “ J Six Ranch Road/Mescal Road and Pomerene Road...have daily traffic volumes between 2,000 and 3,000 vpd respectively. These two arterials connect with I-10 and serve residential areas.”

It would seem that both left and right turning bays should be considered on Mescal Road.

It would also be beneficial to have School Districts weigh in as to the impacts to their current practice of stopping traffic on Mescal Road as they let students off the bus to cross to either side of the road.

E. Page 5 – Part Two Questionnaire – Section B – Question 9 Will any new signs be erected on site?

Details on map and Exhibit L (Page 25) indicated a 4 ½' x 33' sign will be placed on the front side of the store (20' elevation /one story) which faces Mescal Road. Details on Exhibit K (Page 24) indicates a proposed stand-alone sign 6' x 16' elevated so that the top is 21' in elevation will be placed approximately 25' from the edge of the current pavement. Since the Dollar General is primarily “for the benefit of the community providing a reduction in distance and travel to obtain general retail/household necessities, providing potential additional employment in community”, **then a stand-alone business sign of less size, bulk, height, with minimal night time illumination, should be considered.** Current businesses in Mescal do not have stand-alone tall signs or illuminated signs except for the Chevron Station which is dependent upon Freeway Traffic. Dark skies, mountain views are valued attributes within our communities.

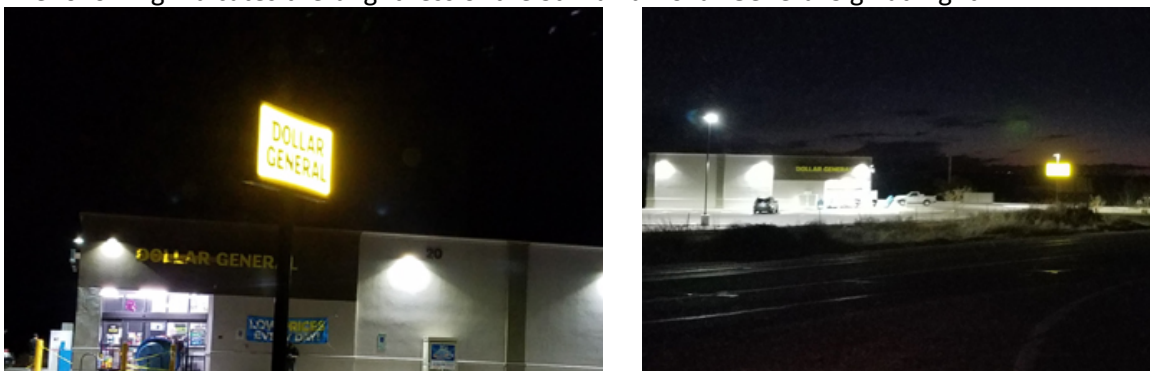
If a low profile sign can be used to introduce an entire community, a low profile sign with minimal lighting can also be effective in rural neighborhoods. Freeway Exit signs listing amenities should be adequate for travelers.



Illuminated signs at ground level are in the J-6 Area for Churches with the illuminated area no higher than approximately 9 feet.



The following indicates the brightness of the St. David Dollar General Sign at night:



**F. General Safety Questions:**

1. Will building be alarmed and the parking lot lit at night?
2. Is there a fire code that has been adopted for the County/ our area to which new construction will have to adhere – construction material, sprinkler system, water hydrant access – or equivalent, etc?

We sincerely appreciate the opportunity to respond.

Mary McCool, Chair, J-6/Mescal CDO, 520-609-2738, [kenmccool@aol.com](mailto:kenmccool@aol.com)



April 3, 2019

Robert Kirschmann  
Cochise County  
1415 Melody Lane Building EM  
Bisbee, AZ 85603

Re: Review of the Dollar Store Cochise County project

Dear Mr. Kirschmann:

The Arizona Game and Fish Department (Department) reviewed your Project Evaluation Request dated March 4, 2019 regarding the construction of a new 9100 square foot retail building and infrastructure in Benson, Arizona. Based on the provided information, the Department has the following recommendations:

- Minimize the potential introduction or spread of exotic invasive species, including aquatic and terrestrial plants, animals, insects and pathogens. Precautions should be taken to wash and/or decontaminate all equipment utilized in the project activities before entering and leaving the site. To view a list of documented invasive species in or near your project area visit <http://login.imapinvasives.org/azimi/login/?next=/azimi/> . To build a list: login, go to Query and Reports, select a geography value relevant to your project area, and select "View Report" for a list of reported species.
  - Arizona has noxious weed regulations (Arizona Revised Statutes, Rules R3-4-244 and R3-4-245); please see the Arizona Department of Agriculture website for prohibited and restricted noxious weeds.  
<https://www.invasivespeciesinfo.gov/unitedstates/az.shtml>  
<https://agriculture.az.gov/pests-pest-control/agriculture-pests/noxious-weeds>  
<https://plants.usda.gov/java/noxious?rptType=State&statefips=04>
  - The Department recommends coordination with the Arizona Sonora Desert Museum for guidance on measures to minimize the potential spread of buffelgrass (*Pennisetum ciliare*).

Thank you for the opportunity to review this project. Attached is a report created on Arizona's Online Environmental Review Tool should provide general recommendations and additional contact information. If you have any questions regarding this letter, please contact me at (623) 236-7222.

Sincerely,

A handwritten signature in black ink, appearing to read "Andrew Cavalcant".

Andrew Cavalcant  
Project Evaluation Program Specialist, Habitat Branch  
Arizona Game and Fish Department

cc: Ginger Ritter, Project Evaluation Program Supervisor  
John Windes, Habitat Program Manager, Region V

AGFD# M19-03120612

**azgfd.gov | 602.942.3000**

**5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086**

**GOVERNOR:** DOUGLAS A. DUCEY **COMMISSIONERS:** CHAIRMAN, JAMES S. ZIELER, ST. JOHNS | ERIC S. SPARKS, TUCSON | KURT R. DAVIS, PHOENIX  
LELAND S. "BILL" BRAKE, ELGIN | JAMES E. GOUGHNOUR, PAYSON **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

# Arizona Environmental Online Review Tool Report



## *Arizona Game and Fish Department Mission*

*To conserve Arizona's diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.*

**Project Name:**

M19-03120612 Dollar Store Cochise County

**Project Description:**

Construction of a 9100 SF retail building and infrastructure.

**Project Type:**

Development Outside Municipalities (Rural Development), Commercial/industrial (mall) and associated infrastructure, New construction

**Contact Person:**

Victoria Kearney

**Organization:**

Arizona Game and Fish Department

**On Behalf Of:**

COCHISE

**Project ID:**

HGIS-08875

***Please review the entire report for project type and/or species recommendations for the location information entered. Please retain a copy for future reference.***

**Disclaimer:**

1. This Environmental Review is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
2. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. This review is also not intended to replace environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the Departments review of site-specific projects.
3. The Departments Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. HDMS data contains information about species occurrences that have actually been reported to the Department. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. HabiMap Arizona data, specifically Species of Greatest Conservation Need (SGCN) under our State Wildlife Action Plan (SWAP) and Species of Economic and Recreational Importance (SERI), represent potential species distribution models for the State of Arizona which are subject to ongoing change, modification and refinement. The status of a wildlife resource can change quickly, and the availability of new data will necessitate a refined assessment.

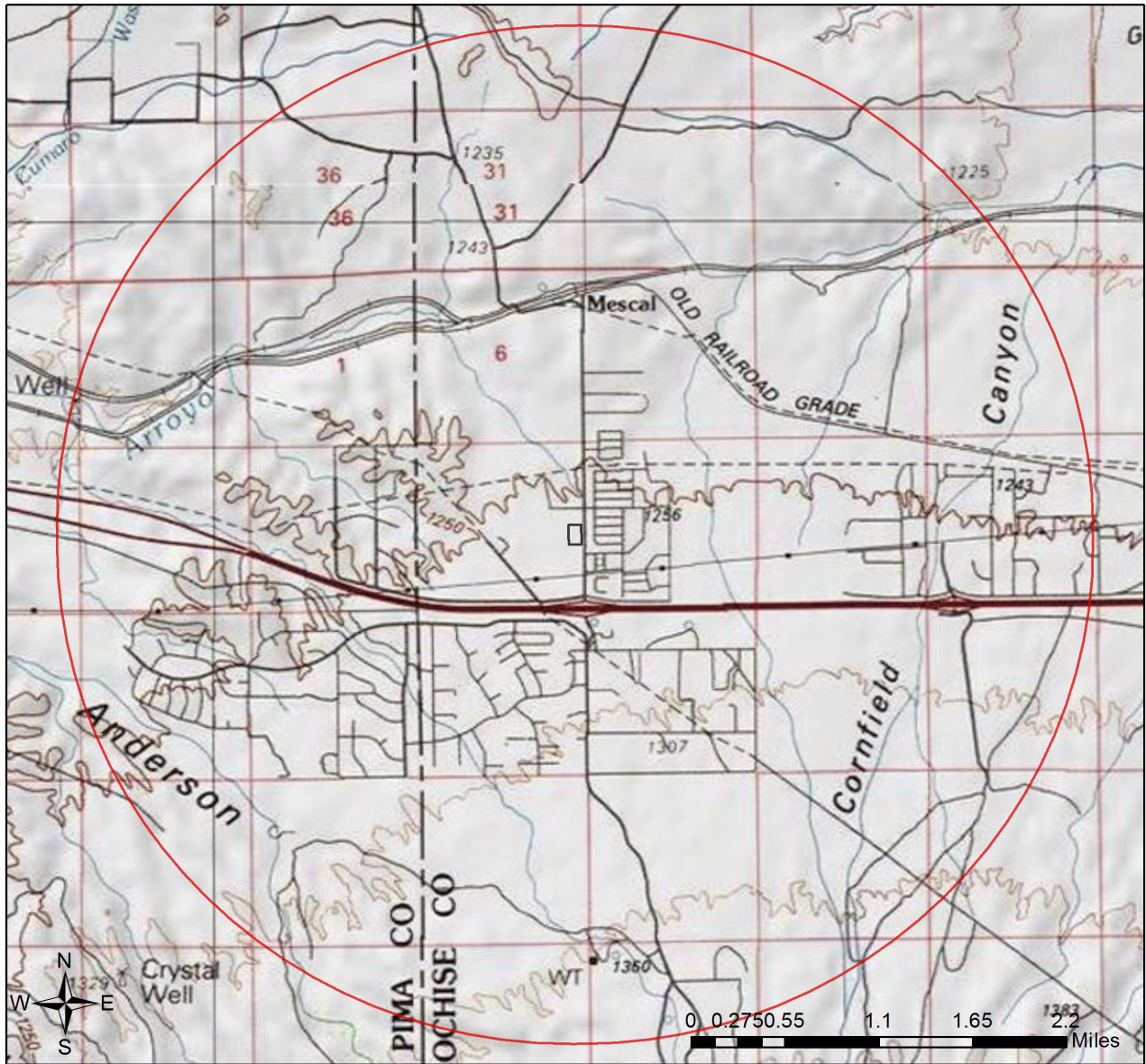
**Locations Accuracy Disclaimer:**

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

**Recommendations Disclaimer:**

1. The Department is interested in the conservation of all fish and wildlife resources, including those species listed in this report and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
2. Recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation).
3. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project. These recommendations are preliminary in scope, designed to provide early considerations on all species of wildlife.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. Further coordination with the Department requires the submittal of this Environmental Review Report with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map). Once AGFD had received the information, please allow 30 days for completion of project reviews. Send requests to:  
**Project Evaluation Program, Habitat Branch**  
**Arizona Game and Fish Department**  
**5000 West Carefree Highway**  
**Phoenix, Arizona 85086-5000**  
**Phone Number: (623) 236-7600**  
**Fax Number: (623) 236-7366**  
**Or**  
[PEP@azgfd.gov](mailto:PEP@azgfd.gov)
6. Coordination may also be necessary under the National Environmental Policy Act (NEPA) and/or Endangered Species Act (ESA). Site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies

### M19-03120612 Dollar Store Cochise County USA Topo Basemap With Locator Map



- Project Boundary
- Buffered Project Boundary

Project Size (acres): 5.62  
Lat/Long (DD): 31.9694 / -110.4353  
County(s): Cochise  
AGFD Region(s): Tucson  
Township/Range(s): T17S, R19E  
USGS Quad(s): MESCAL

Service Layer Credits: Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, ©



# M19-03120612 Dollar Store Cochise County

Web Map As Submitted By User



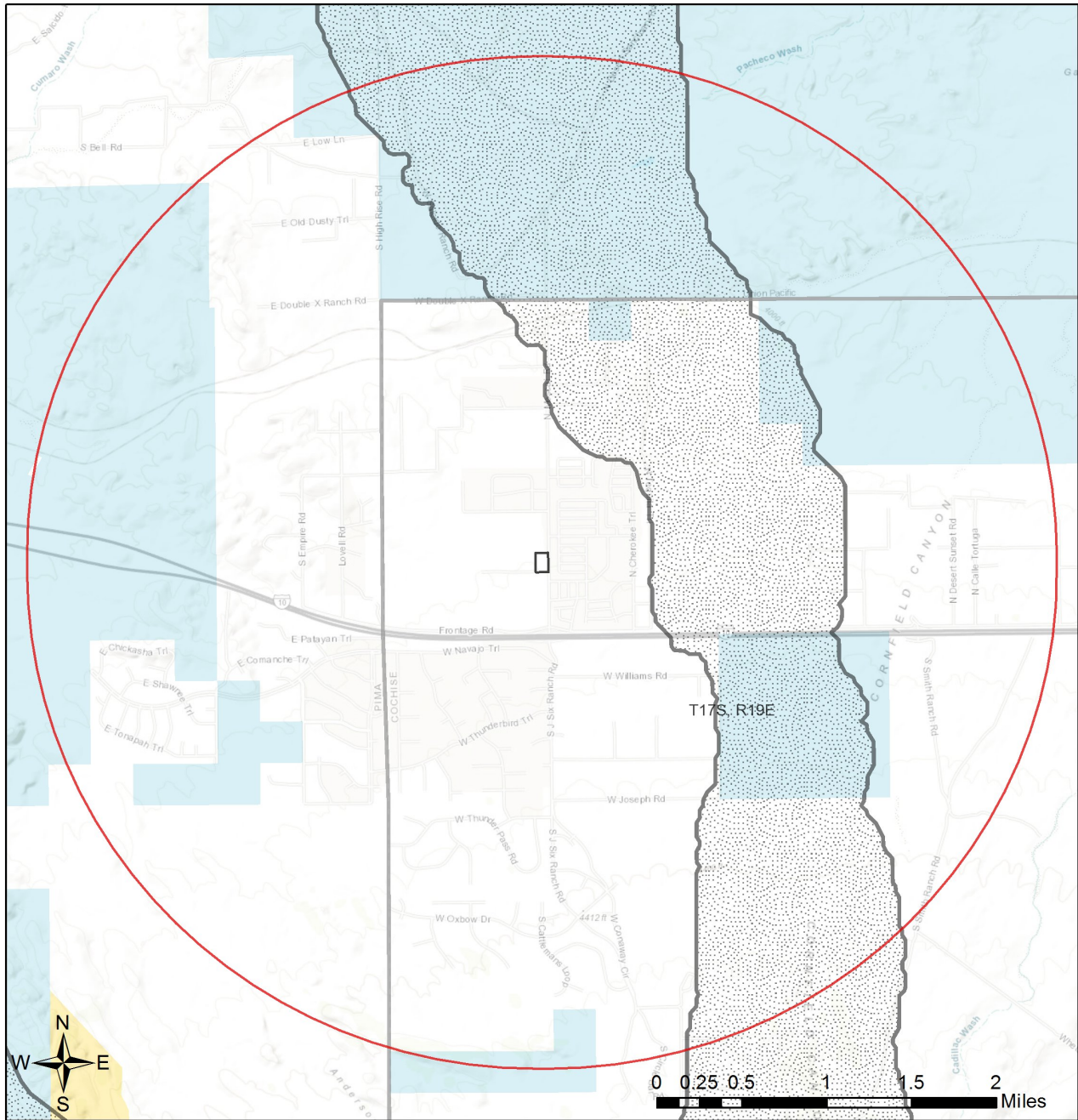
- Project Boundary
- Buffered Project Boundary
- Quadrangles
- Sections
- Townships

Project Size (acres): 5.62  
Lat/Long (DD): 31.9694 / -110.4353  
County(s): Cochise  
AGFD Region(s): Tucson  
Township/Range(s): T17S, R19E  
USGS Quad(s): MESCAL

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

# M19-03120612 Dollar Store Cochise County

Topo Basemap with Township/Ranges, Land Ownership, Critical Habitats, Wildlife Corridors



Project Boundary	Indian Res.	Project Size (acres): 5.62
Buffered Project Boundary	Military	Lat/Long (DD): 31.9694 / -110.4353
Township/Ranges	Mixed/Other	County(s): Cochise
Wildlife Corridors	National Park/Mon.	AGFD Region(s): Tucson
Critical Habitat	Private	Township/Range(s): T17S, R19E
<b>Land Ownership</b>	State & Regional Parks	USGS Quad(s): MESCAL
AZ Game & Fish Dept.	State Trust	
BLM	US Forest Service	
BOR	Wildlife Area/Refuge	

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, © OpenStreetMap contributors, and the GIS User Community

**Special Status Species and Special Areas Documented within 3 Miles of Project Vicinity**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Aquila chrysaetos</i>	Golden Eagle	BGA		S		1B
<i>Aspidoscelis stictogramma</i>	Giant Spotted Whiptail	SC	S			1B
<i>Eriogonum capillare</i>	San Carlos Wild-buckwheat	SC			SR	
<i>Leptonycteris yerbabuenae</i>	Lesser Long-nosed Bat	SC				1A
<i>Phrynosoma cornutum</i>	Texas Horned Lizard	SC				
Rincon - Santa Rita - Whetstone Linkage Design	Wildlife Corridor					
<i>Terrapene ornata luteola</i>	Desert Box Turtle			S		1A

Note: Status code definitions can be found at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/statusdefinitions/>

**Species of Greatest Conservation Need  
 Predicted within 3 Miles of Project Vicinity based on Predicted Range Models**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Aix sponsa</i>	Wood Duck					1B
<i>Amazilia violiceps</i>	Violet-crowned Hummingbird		S			1B
<i>Ammodramus savannarum ammolegus</i>	Arizona grasshopper sparrow		S	S		1B
<i>Ammodramus savannarum perpallidus</i>	Western Grasshopper Sparrow					1B
<i>Ammospermophilus harrisi</i>	Harris' Antelope Squirrel					1B
<i>Anthus spragueii</i>	Sprague's Pipit	SC				1A
<i>Antrostomus ridgwayi</i>	Buff-collared Nightjar		S			1B
<i>Aquila chrysaetos</i>	Golden Eagle	BGA		S		1B
<i>Aspidoscelis stictogramma</i>	Giant Spotted Whiptail	SC	S			1B
<i>Aspidoscelis xanthonota</i>	Red-backed Whiptail	SC	S			1B
<i>Athene cucularia hypugaea</i>	Western Burrowing Owl	SC	S	S		1B
<i>Baeolophus ridgwayi</i>	Juniper Titmouse					1C
<i>Buteo regalis</i>	Ferruginous Hawk	SC		S		1B
<i>Buteo swainsoni</i>	Swainson's Hawk					1C
<i>Callipepla squamata</i>	Scaled Quail					1C
<i>Calypte costae</i>	Costa's Hummingbird					1C
<i>Chordeiles minor</i>	Common Nighthawk					1B
<i>Coccyzus americanus</i>	Yellow-billed Cuckoo (Western DPS)	LT	S			1A
<i>Colaptes chrysoides</i>	Gilded Flicker			S		1B
<i>Coluber bilineatus</i>	Sonoran Whipsnake					1B
<i>Corynorhinus townsendii pallescens</i>	Pale Townsend's Big-eared Bat	SC	S	S		1B
<i>Crotalus lepidus</i>	Rock Rattlesnake					1A
<i>Crotalus tigris</i>	Tiger Rattlesnake					1B
<i>Cynanthus latirostris</i>	Broad-billed Hummingbird		S			1B

**Species of Greatest Conservation Need  
 Predicted within 3 Miles of Project Vicinity based on Predicted Range Models**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Cynomys ludovicianus</i>	Black-tailed Prairie Dog	CCA		S		1A
<i>Cyrtonyx montezumae</i>	Montezuma Quail					1C
<i>Dipodomys spectabilis</i>	Banner-tailed Kangaroo Rat			S		1B
<i>Empidonax traillii extimus</i>	Southwestern Willow Flycatcher	LE				1A
<i>Empidonax wrightii</i>	Gray Flycatcher					1C
<i>Euderma maculatum</i>	Spotted Bat	SC	S	S		1B
<i>Eumops perotis californicus</i>	Greater Western Bonneted Bat	SC		S		1B
<i>Falco peregrinus anatum</i>	American Peregrine Falcon	SC	S	S		1A
<i>Glaucidium gnoma gnoma</i>	Mountain Pygmy-owl					1B
<i>Gopherus morafkai</i>	Sonoran Desert Tortoise	CCA	S	S		1A
<i>Haliaeetus leucocephalus</i>	Bald Eagle	SC, BGA	S	S		1A
<i>Heloderma suspectum</i>	Gila Monster					1A
<i>Hypsiglena sp. nov.</i>	Hooded Nightsnake					1B
<i>Incilius alvarius</i>	Sonoran Desert Toad					1B
<i>Lasiurus blossevillii</i>	Western Red Bat		S			1B
<i>Lasiurus xanthinus</i>	Western Yellow Bat		S			1B
<i>Leopardus pardalis</i>	Ocelot	LE				1A
<i>Leptonycteris yerbabuenae</i>	Lesser Long-nosed Bat	SC				1A
<i>Lepus alleni</i>	Antelope Jackrabbit					1B
<i>Lithobates chiricahuensis</i>	Chiricahua Leopard Frog	LT				1A
<i>Lithobates tarahumarae</i>	Tarahumara Frog	SC	S			1A
<i>Lithobates yavapaiensis</i>	Lowland Leopard Frog	SC	S	S		1A
<i>Macrotus californicus</i>	California Leaf-nosed Bat	SC		S		1B
<i>Melanerpes uropygialis</i>	Gila Woodpecker					1B
<i>Meleagris gallopavo mexicana</i>	Gould's Turkey		S			1B
<i>Melospiza lincolni</i>	Lincoln's Sparrow					1B
<i>Melospiza aberti</i>	Abert's Towhee		S			1B
<i>Micrathene whitneyi</i>	Elf Owl					1C
<i>Micruroides euryxanthus</i>	Sonoran Coralsnake					1B
<i>Myiarchus tyrannulus</i>	Brown-crested Flycatcher					1C
<i>Myotis occultus</i>	Arizona Myotis	SC		S		1B
<i>Myotis velifer</i>	Cave Myotis	SC		S		1B
<i>Myotis yumanensis</i>	Yuma Myotis	SC				1B
<i>Notiosorex cockrumi</i>	Cockrum's Desert Shrew					1B
<i>Nyctinomops femorosaccus</i>	Pocketed Free-tailed Bat					1B
<i>Odocoileus virginianus</i>	White-tailed Deer					1B
<i>Oreoscoptes montanus</i>	Sage Thrasher					1C
<i>Oreothlypis luciae</i>	Lucy's Warbler					1C

**Species of Greatest Conservation Need  
 Predicted within 3 Miles of Project Vicinity based on Predicted Range Models**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Panthera onca</i>	Jaguar	LE				1A
<i>Passerculus sandwichensis</i>	Savannah Sparrow					1B
<i>Peucaea botterii arizonae</i>	Arizona Botteri's Sparrow			S		1B
<i>Peucaea carpalis</i>	Rufous-winged Sparrow					1B
<i>Phrynosoma solare</i>	Regal Horned Lizard					1B
<i>Picoides arizonae</i>	Arizona Woodpecker		S			1B
<i>Progne subis hesperia</i>	Desert Purple Martin			S		1B
<i>Sceloporus slevini</i>	Slevin's Bunchgrass Lizard		S	S		1B
<i>Setophaga petechia</i>	Yellow Warbler					1B
<i>Sialia sialis fulva</i>	Azure Bluebird					1B
<i>Sphyrapicus nuchalis</i>	Red-naped Sapsucker					1C
<i>Spizella atrogularis</i>	Black-chinned Sparrow					1C
<i>Spizella breweri</i>	Brewer's Sparrow					1C
<i>Strix occidentalis lucida</i>	Mexican Spotted Owl	LT				1A
<i>Sturnella magna</i>	Eastern Meadowlark					1C
<i>Tadarida brasiliensis</i>	Brazilian Free-tailed Bat					1B
<i>Terrapene ornata</i>	Ornate Box Turtle					1A
<i>Thamnophis eques megalops</i>	Northern Mexican Gartersnake	LT	S			1A
<i>Thomomys umbrinus intermedius</i>	Southern Pocket Gopher					1B
<i>Vireo bellii arizonae</i>	Arizona Bell's Vireo					1B
<i>Vulpes macrotis</i>	Kit Fox	No Status				1B

**Species of Economic and Recreation Importance Predicted within 3 Miles of Project Vicinity**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Callipepla gambelii</i>	Gambel's Quail					
<i>Callipepla squamata</i>	Scaled Quail					1C
<i>Odocoileus hemionus</i>	Mule Deer					
<i>Odocoileus virginianus</i>	White-tailed Deer					1B
<i>Patagioenas fasciata</i>	Band-tailed Pigeon					1C
<i>Pecari tajacu</i>	Javelina					
<i>Puma concolor</i>	Mountain Lion					
<i>Zenaida asiatica</i>	White-winged Dove					
<i>Zenaida macroura</i>	Mourning Dove					

**Project Type: Development Outside Municipalities (Rural Development), Commercial/industrial (mall) and associated infrastructure, New construction**

**Project Type Recommendations:**

During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife. Guidelines for many of these can be found at: <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

Consider impacts of outdoor lighting on wildlife and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use. Use only the minimum amount of light needed for safety. Narrow spectrum bulbs should be used as often as possible to lower the range of species affected by lighting. All lighting should be shielded, canted, or cut to ensure that light reaches only areas needing illumination.

Minimize potential introduction or spread of exotic invasive species. Invasive species can be plants, animals (exotic snails), and other organisms (e.g., microbes), which may cause alteration to ecological functions or compete with or prey upon native species and can cause social impacts (e.g., livestock forage reduction, increase wildfire risk). The terms noxious weed or invasive plants are often used interchangeably. Precautions should be taken to wash all equipment utilized in the project activities before leaving the site. Arizona has noxious weed regulations (Arizona Revised Statutes, Rules R3-4-244 and R3-4-245). See Arizona Department of Agriculture website for restricted plants, <https://agriculture.az.gov/>. Additionally, the U.S. Department of Agriculture has information regarding pest and invasive plant control methods including: pesticide, herbicide, biological control agents, and mechanical control, <http://www.usda.gov/wps/portal/usdahome>. The Department regulates the importation, purchasing, and transportation of wildlife and fish (Restricted Live Wildlife), please refer to the hunting regulations for further information <https://www.azgfd.com/hunting/regulations>.

Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (include spawning seasons), and to reduce spread of exotic invasive species. We recommend early direct coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

The Department recommends that wildlife surveys are conducted to determine if noise-sensitive species occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

Based on the project type entered, coordination with State Historic Preservation Office may be required (<http://azstateparks.com/SHPO/index.html>).

Trenches should be covered or back-filled as soon as possible. Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herpetofauna (snakes, lizards, tortoise) from entering ditches.

Communities can actively support the sustainability and mobility of wildlife by incorporating wildlife planning into their regional/comprehensive plans, their regional transportation plans, and their open space/conservation land system programs. An effective approach to wildlife planning begins with the identification of the wildlife resources in need of protection, an assessment of important habitat blocks and connective corridors, and the incorporation of these critical wildlife components into the community plans and programs. Community planners should identify open spaces and habitat blocks that can be maintained in their area, and the necessary connections between those blocks to be preserved or protected. Community planners should also work with State and local transportation planning entities, and planners from other communities, to foster coordination and cooperation in developing compatible development plans to ensure wildlife habitat connectivity. The Department's guidelines for incorporating wildlife considerations into community planning and developments can be found on the Wildlife Friendly Guidelines portion of the Wildlife Planning page at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/>.

Based on the project type entered, coordination with Arizona Department of Environmental Quality may be required (<http://www.azdeq.gov/>).

Based on the project type entered, coordination with Arizona Department of Water Resources may be required (<http://www.azwater.gov/azdwr/default.aspx>).

Based on the project type entered, coordination with U.S. Army Corps of Engineers may be required (<http://www.usace.army.mil/>)

Based on the project type entered, coordination with County Flood Control district(s) may be required.

Development plans should provide for open natural space for wildlife movement, while also minimizing the potential for wildlife-human interactions through design features. Please contact Project Evaluation Program for more information on living with urban wildlife at [PEP@azgfd.gov](mailto:PEP@azgfd.gov) or at <https://www.azgfd.com/wildlife/planning/wildlifeguidelines/> and <https://www.azgfd.com/Wildlife/LivingWith>.

The Department requests further coordination to provide project/species specific recommendations, please contact Project Evaluation Program directly at [PEP@azgfd.gov](mailto:PEP@azgfd.gov).

**Project Location and/or Species Recommendations:**

HDMS records indicate that one or more native plants listed on the Arizona Native Plant Law and Antiquities Act have been documented within the vicinity of your project area. Please contact:

Arizona Department of Agriculture  
1688 W Adams St.  
Phoenix, AZ 85007  
Phone: 602.542.4373  
<https://agriculture.az.gov/environmental-services/np1>

HDMS records indicate that one or more listed, proposed, or candidate species or Critical Habitat (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species. Please contact USFWS Ecological Services Offices at <http://www.fws.gov/southwest/es/arizona/> or:

**Phoenix Main Office**

2321 W. Royal Palm Rd, Suite 103  
Phoenix, AZ 85021  
Phone: 602-242-0210  
Fax: 602-242-2513

**Tucson Sub-Office**

201 N. Bonita Suite 141  
Tucson, AZ 85745  
Phone: 520-670-6144  
Fax: 520-670-6155

**Flagstaff Sub-Office**

SW Forest Science Complex  
2500 S. Pine Knoll Dr.  
Flagstaff, AZ 86001  
Phone: 928-556-2157  
Fax: 928-556-2121

Analysis indicates that your project is located in the vicinity of an identified **wildlife habitat linkage corridor**. Project planning and implementation efforts should focus on maintaining adequate opportunities for wildlife permeability. For information pertaining to the linkage assessment and wildlife species that may be affected, please refer to: <http://www.corridordesign.org/arizona>. Please contact your local Arizona Game and Fish Department Regional Office for specific project recommendations: <https://www.azgfd.com/Agency/Offices>.

