



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

Relation to Subject Parcel	Zoning District	Use of Property
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

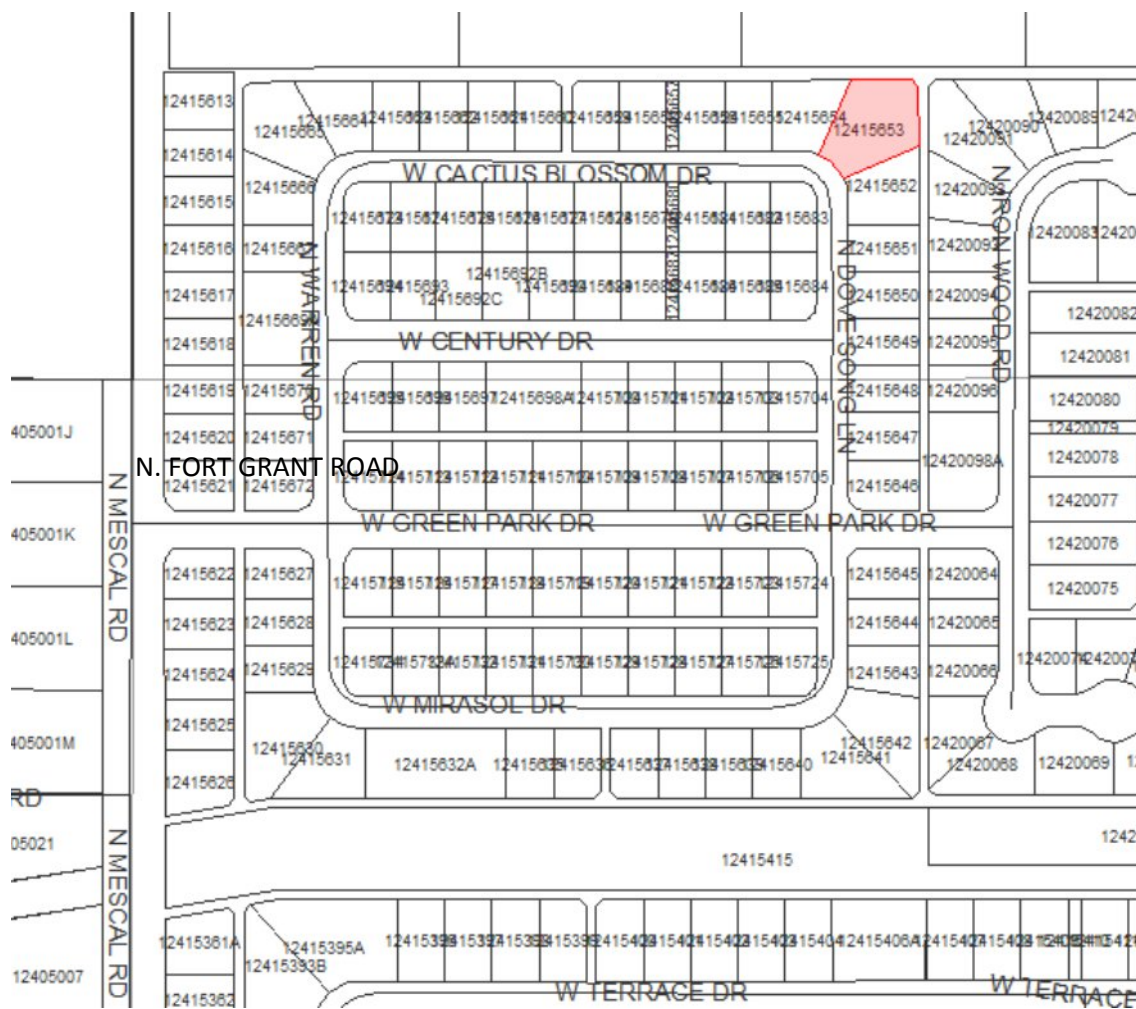
Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

II. PARCEL HISTORY

2017- Permits for SFR and septic tank
2018- Permit for block skirting

III. NATURE OF REQUEST

The Applicant is requesting to provide day care for up to ten children in her home. The use will be required to get licensed through the State DES. The use is considered a Day Care Facility under the zoning regulations and requires Special Use authorization even though the use is operated out of a single family home occupied by the Applicant. While the request does require this approval, it remains accessory to the principal use of the site as a primary residence.

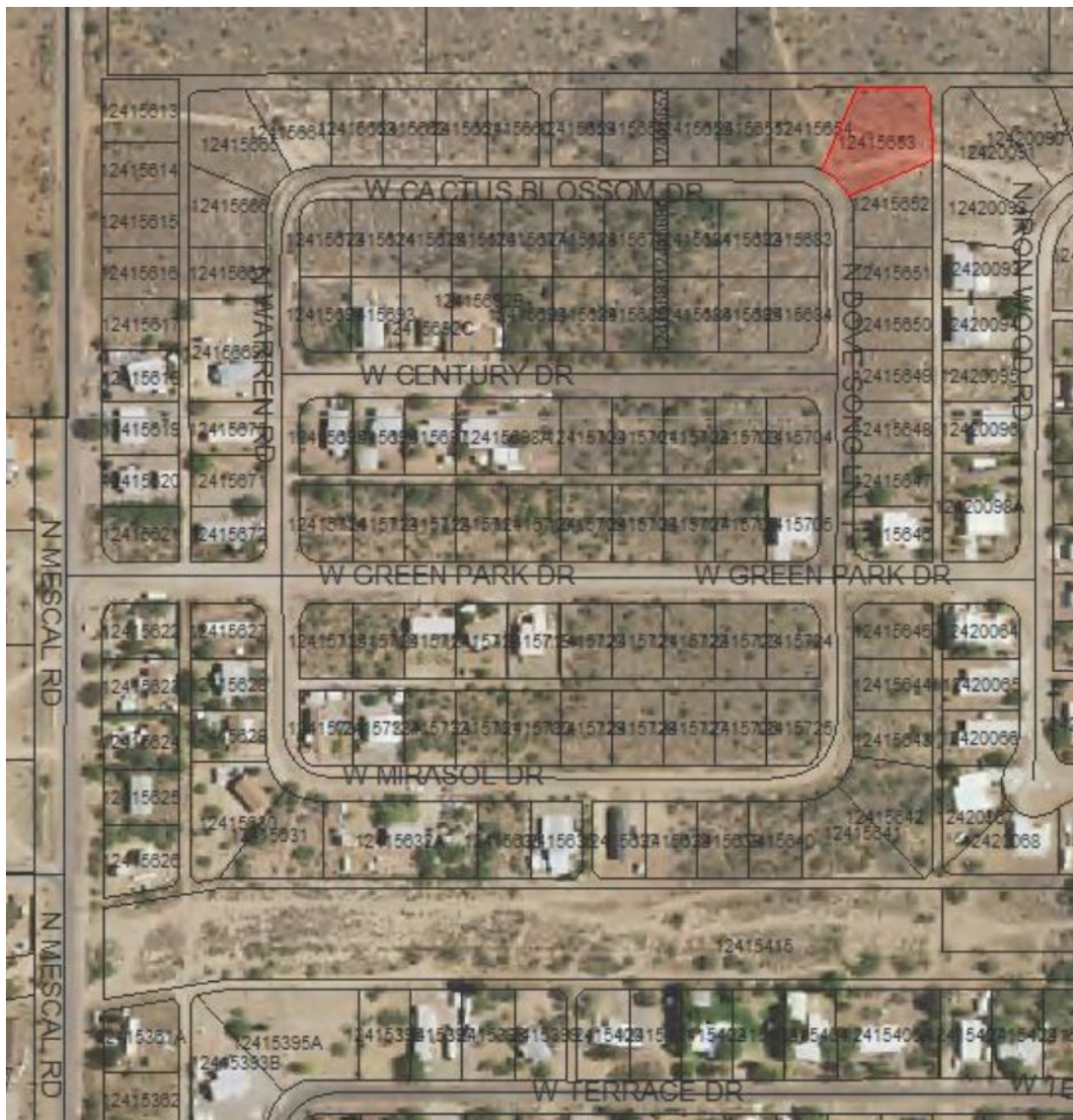


Location Map

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.



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.*