

COCHISE COUNTY

Amendment to the Cochise County Comprehensive Plan and Zoning Regulations Mailed Notification Radius (R-20-03)

Planning and Zoning Commission

May 13, 2020

Cochise County
Development Services



Public Programs...Personal Service

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State Legal Requirements

Arizona law requires notice to be sent via first class mail to each property owner whose property is ***directly affected*** by a proposed change to:

- the Comprehensive Plan
- Rezoning
- Special Uses

Arizona law defines “directly affected” or a “zoning area” as the area within 300 feet of the proposed amendment (ARS 11-814)



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Other Notification Methods

- Publication in a newspaper
- Physical posting on subject parcels
- Citizen Review Report
- Legal Notice/Case Information on the County website

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Docket SU-20-04 and Z-20-06

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Docket Information for Current Planning Cases

The Planning Division within Development Services is responsible for guiding the growth and physical development of Cochise County. We strive to exceptional services on a wide range of planning services. This webpage provides information and updates currently being considered before our Planning and Zoning Commission and/or Board of Supervisors. This includes variance requests, zoning amendments, land use amendments and special use requests. Each case is assigned a "Docket" number. If you have any additional questions regarding this case, please contact the case planner.

Docket SU-20-04 and Z-20-06 (Dollar General Hereford)

Public Hearing Notice

If you would like to provide written feedback to the Planning and Zoning Commission or the Board of Supervisors regarding this case, please email, mail or fax your comments to the case planner no later than two weeks before the hearing dates listed below.

Cochise County Planning Zoning Commission Information

Wednesday, May 23, 2020 4PM

Due to the COVID-19 public health emergency, the meeting will be held via teleconference. If you would like to participate in this meeting, please contact the Department Staff by calling(520) 432-0200 or email Planning@cochiseaz.gov before 12:00 p.m. on the day of the meeting to obtain the teleconference number and additional instructions.

Cochise County Board of Supervisors Information

TO BE DETERMINED

Case Information

The Applicant, DCH Development, requests a Special Use Authorization to approve a 3,300 square foot Dollar General Store. All retail sales exceeding 2,500 square feet in a rural zoning district require special use authorization from the Planning and Zoning Commission. A Rebuilding Application is also included to rezone the property from R1-4 to R1-2, which would reduce the minimum lot size from 4 acres to 2 acres and double the allowable density. A store that exceeds 2,500 square feet requires special use authorization in either R1-4 or R1-2 zoning districts; consequently, the rezoning is not required to allow the requested use. The Applicant and Staff jointly request that the form be concluded to the May 13, 2020 Planning and Zoning Commission Meeting.

Case Planner

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More Information

LOOKING SOUTH FROM RAMSEY ROAD INTERSECTION OF RAMSEY RD & MOSON RD LOOKING NORTH ON MOSON RD

Site Photos

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Current Mailed Notification Requirements per Zoning Regulations

| | Special Use, Rezoning, and Citizen Review | Minor Land Use Change (Comp Plan Req.) | Special Event - Events of Public Interest | Variance | Wind Turbines Greater than 45' |
|------------------|--|---|--|----------------|--|
| Area A | 300' | 1,000' | 300' | 300' | 300' |
| Area B | 1,000' | 1,000' | 300' | 300' | 1,000' |
| Area C | 1,000' | 1,000' | 300' | 300' | 1,000' |
| Area D | Minimum 1-mile, Maximum 3-miles also a minimum of 50 parcels shall be notified | 1,500' | 1,500' | 300' | Minimum 1-mile, Maximum 3-miles also a minimum of 50 parcels shall be notified |
| Intensive Use | Minimum 1-mile, Maximum 3-miles also a minimum of 50 parcels shall be notified | Not applicable | Not applicable | Not Applicable | Not Applicable |
| Also/ However | Rezoning to less intensive Districts do not require a Citizen Review. | If the Comp. Plan amendment also includes a proposal to amend Zoning District boundaries, then the notification requirements in Article 22 are applied instead. | Notice must also be sent to each County and municipality which is contiguous to the area of the proposed temporary use(s). | | Any protested permit application shall require Special Use Authorization |



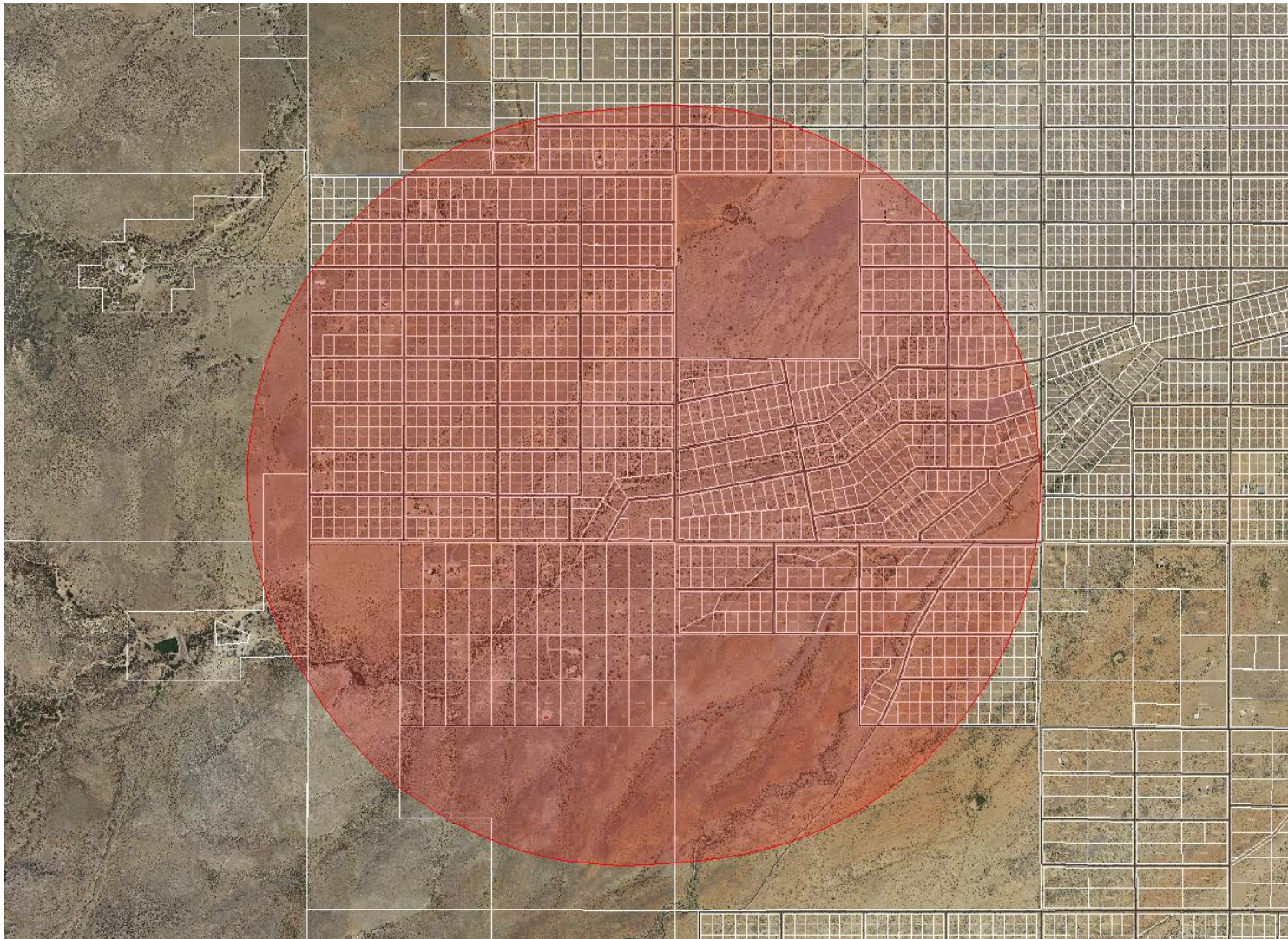
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Issues – the current mailed notification requirements:

- **Are complex/inconsistent (vary by growth area, proposed use, application request)**
- **Can be confusing**
- **Are time-intensive/expensive**
- **Are inflexible**
- **“Intensive uses” do not include uses such as jails, crematories, recycling centers, slaughterhouses...**
- **Exceed the mailed notification requirements of the state and every other County in Arizona**



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**1-Mile Notification Radius = 3.14 square miles total area
(Roughly, the area equivalent of Naco, AZ)**



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Recommendations

- **Simplify** the mailed notification requirements by limiting the mandatory mailing to no less than 300 feet.
- **Add flexibility** - the Planning Director (“County Zoning Inspector”) may expand the notification area to greater than 300 feet, at the time of application acceptance, if there are compatibility concerns associated with the request.



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Impact

- **Greater deference provided to residents in the immediate area.**
- **Reduction in total amount of mailed notification (time and money savings).**
- **Greater reliance on other forms of notification.**
- **Flexibility/not limited to current list of intensive uses or growth categories.**
- **Applications that have greater potential for compatibility issues will be required to have a larger mailed notification radii.**
- **Also, removal of dated ‘filing a protest’ requirements. These requirements only apply to Counties with 5 or more supervisors.**



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Details of Proposed Changes

See attachment A for strike-through (deletion) and underline (addition)

Zoning Regulations

- **Section 1716.03.D.2.**
- **Section 1720.03.F.7.**
- **Section 2203.02**
- **Section 2206.02**
- **Section 2207.1 and 2207.04**



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Request and Sample Motion

Staff is requesting that the Commission forward Docket R-20-03 to the Board of Supervisors with a recommendation of approval.

Sample Motion: Mr. Chairman, I move to forward Docket R-20-03 with a recommendation of approval/denial to the Board of Supervisors.

