



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: Brian & Diane Allen

2. Mailing Address: PO Box 877

<u>Pearce</u>	<u>AZ</u>	<u>85625</u>
City	State	Zip Code

3. Telephone Number of Applicant: 520-826-4114

4. Telephone Number of Contact Person if Different: _____

5. Email Address: allenswell@gmail.com

6. Assessor's Tax Parcel Number: 116-19-316-320 (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): _____

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: _____ X _____
- 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 X

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 X 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: Residential

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: B (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: Hi-Dens Res (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: 40' by 60' 2400 sqft Steel workshop
with concrete floor. _____

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: Only the steel workshop listed

above. _____

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

- No X 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?
Underground culvert from Treasure Road

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? No extra traffic is expected to be generated by this rezoning.

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? 1 - already exists

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Private Well	Already exists
Sewer/Septic	NA	
Electricity	SSVEC	Already exists
Natural Gas	NA	
Telephone	NA	
Fire Protection		

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).

While the property serves only as a workshop used to maintain trucks used for our business, located in Elfrida, the county has mandated the rezoning to be appropriate. The business will never be run from this location, however we drive the trucks associated with the business home and park them at this shop. The county wants this rezoned, not us.

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: 

Date: 6-11-20

CONSENT SIGNATURE FORM

May 19, 2020

Dear Friends and Neighbors,

My name is Brian Allen and I reside at 877 E Treasure Rd. We have gone through all the proper channels with Cochise County to buy "back tax" land, we acquired the proper permits through Cochise County and paid their fees in order to build a work shop on our new property. Now Cochise County feels we are running a business out of this workshop and want us to apply for special use authorization.

The business we have is not located here in Sunsites, it is located in Elfrida Arizona. We occasionally park the same equipment on our new land as we have parked on our original property for the past 15 years, but somehow, now it is a problem. Our workshop is 60' x 40' and is a place to tinker on hobbies and change my own oil. It in no way houses a business.

Sunsites is slowing declining and the majority of the vacant land that surrounds us is in back tax status. We bought some of that land, built a shop and by doing so, we have increased the taxes and value of that land but Cochise County isn't satisfied.

We ask that if you have no objections to our property being just as it is, we ask you to please sign the bottom of this letter as support.

Thank you for your time and consideration. Please find my contact information below:

Brian Allen
PO Box 877
Pearce AZ 85625
520 904 6319

We the undersigned are in support of the Allen's property, as it stands, at 877 E Treasure Rd and adjoining parcels.

NAME

ADDRESS

SIGNATURE

1	Jim & Shelby Shawler	905 E. Octilla Way	Shelby Shawler
2			
3			
4			
5			
6			
7			
8			
9			
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12			
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15			



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? Family Dwelling w/ Shop
(mancafe)
2. What is the proposed use or improvement? Family Dwelling w/ Shop
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? No impact on neighbors
Nothing different from previous 15 years of ownership
4. Describe all intermediate and final products/services that will be produced/offered/sold.
Nothing produced - offered or sold. Property
is strictly for family use.

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)

Site build home - w/ metal shop existing

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.

Already done - permits were issued

for all construction w/ site plans

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: Hours (from AM to PM) N/A

B. Number of employees: Initially: Future: N/A
Number per shift Seasonal changes

C. Total average daily traffic generated:

(1) How many vehicles will be entering and leaving the site.
Other than family vehicles - 4 company trucks

(2) Total trucks (e.g., by type, number of wheels, or weight)
Any from 5000 lbs to 20,000 lbs

4 company trucks

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

(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
5 days a week / summer time
whenever we get lbs leaving our property

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 private well household use per year

Will you use a septic system? Yes No If yes, is the septic tank system existing? Not for shop
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	Private	
Sewer/Septic	N/A	
Electricity	SEPCO	
Natural Gas	N/A	
Telephone	N/A	
Fire Protection	Fire Dept.	

SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Family get together

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. _____

Neighbors Don't have an issue

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 *Culvert in ditch - Road side*

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)

Gravel drive ways

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.)

N/A

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.

land has already been developed

2. How many acres ^{have been} will be cleared? 4.12
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.)

been developed previously & permitted to

do so

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



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).



Signature

Date





Print Name/Firm

Owner Agent

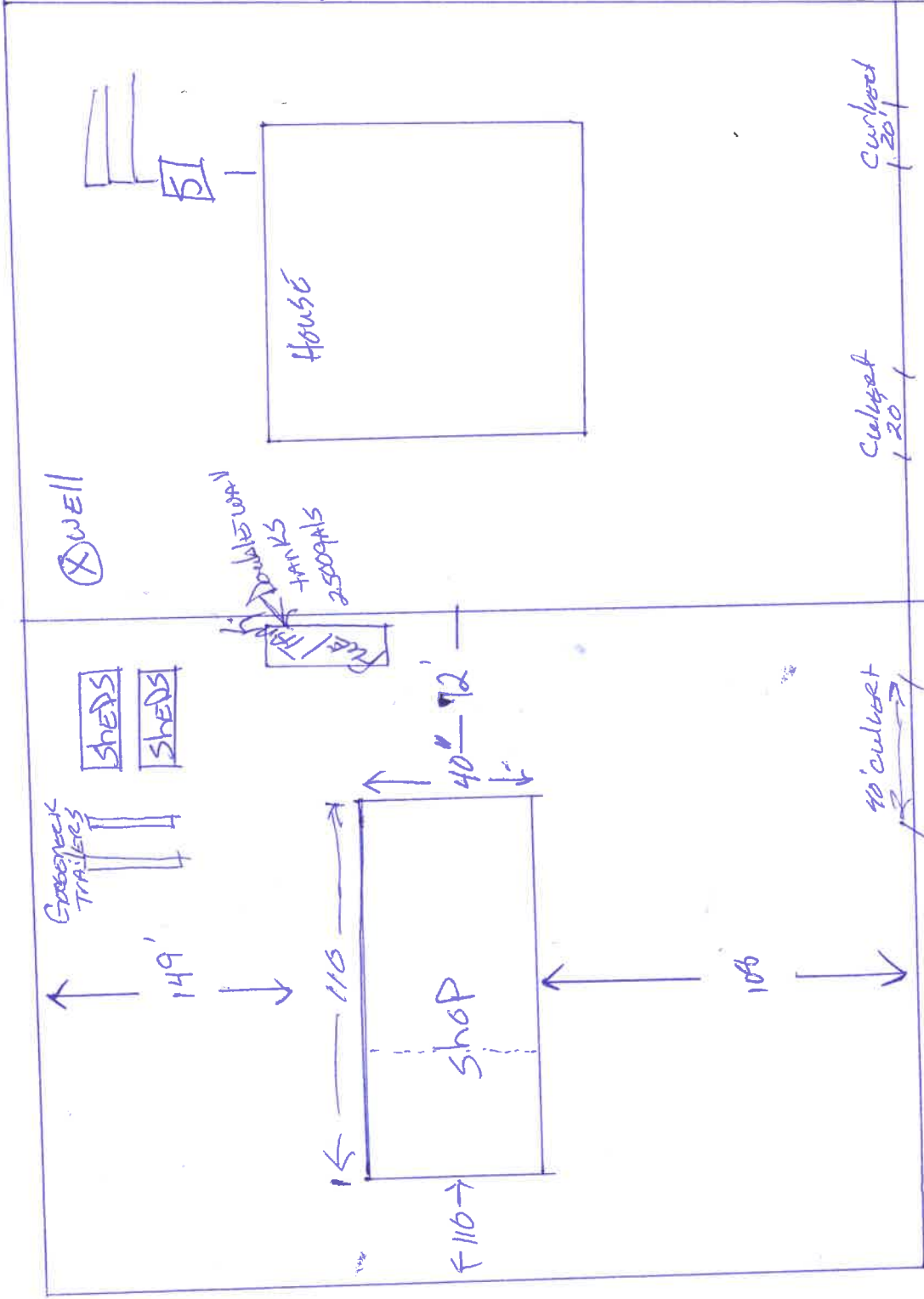
PROPERTY OWNERS

Brian + Diane Allen
8ME-TREASURE RD

SUNSHINE AZ 85625

PARCEL # 116 18 316
116 18 317

PARCEL # 116 18 318
319
320



116-18-316-317
permitted &
constructed
2 yrs ago

permitted &
constructed
16 yrs ago

Culvert
120'

10' culvert