



Cochise County

Development Services

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Development Director
SUBJECT: Docket SU-20-12 (SV Skate)
DATE: October 30, 2020 for the November 10, 2020 Meeting

APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant requests Special Use Authorization to construct an approximately 20,000 square foot indoor skating rink and outdoor mobile drive-in theater on approximately 6 acres of a 32 acre site.

The site is located at the terminus of North Central Avenue and is identified as parcel 107-21-014A.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 6 acres of a 32 acre parcel
Current Zoning: R-36 (Residential; one dwelling per 36,000 square feet)
Proposed Zoning: Same
Growth Area: Category A
Comprehensive Plan Designation: Developing
Area Plan: None
Existing Uses: Vacant land
Proposed Uses: Skating rink and mobile drive in theater

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Vacant/former mining operation
South	GB	Carpet and tile business, residential care home and former miniature golf course
East	R-36	Vacant/SFR
West	R-18	Residential/ mountain mesas subdivision

II. PARCEL HISTORY

Previously part of the Portland Cement operation

Planning, Zoning and Building Safety
1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
planningandzoning@cochise.az.gov

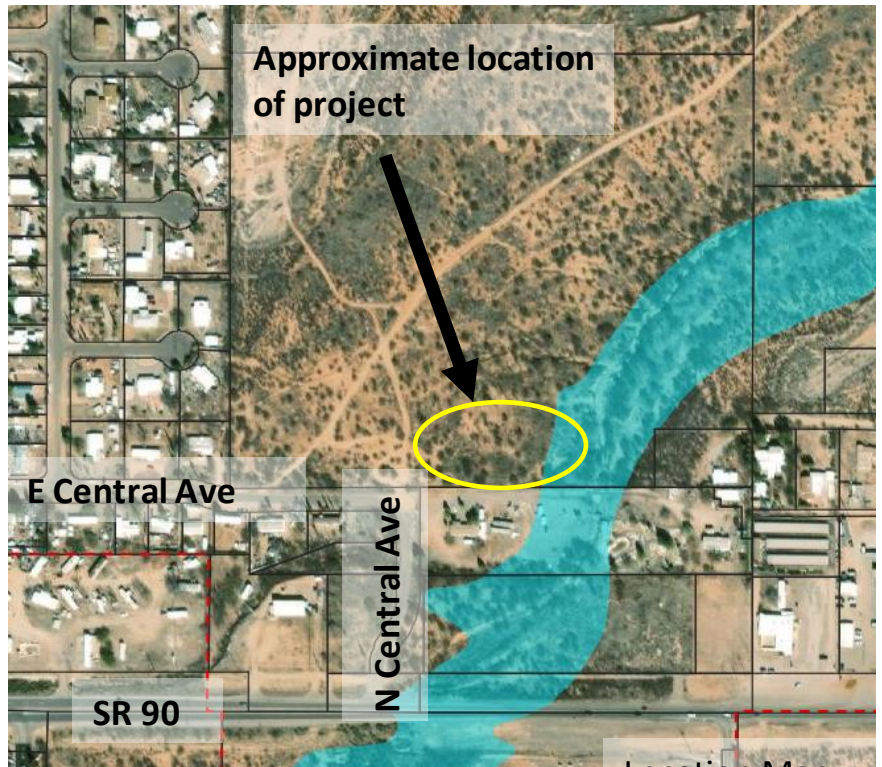
III. NATURE OF REQUEST

The applicant has been working for sometime to locate a roller skating rink in the Sierra Vista area. They have selected an approximately 6 acre portion of a 32 acre parcel at the terminus of North Central Ave.

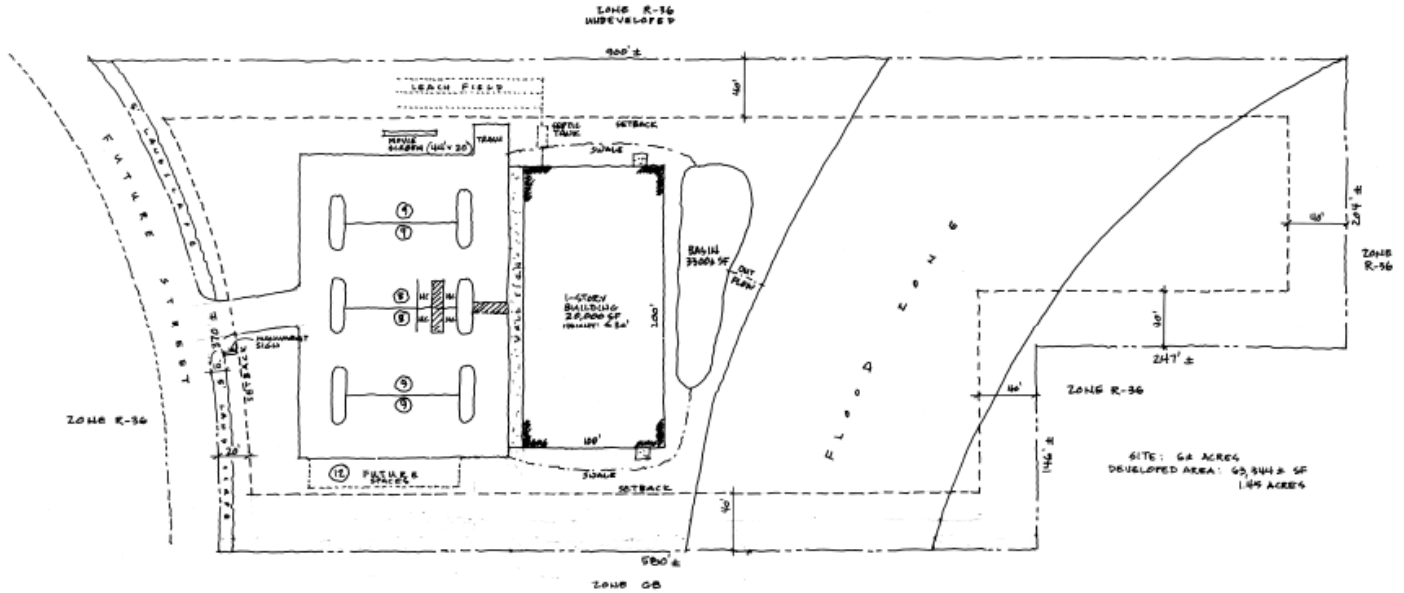
The proposal is to develop an approximately 20,000 square foot metal building that will house a roller skating rink. Additionally, the parking spaces will be oriented in a way that a temporary, blow up screen can be installed on site to allow for drive-in movies. The total disturbance of the building and parking lot will be approximately 1.5 acres.

It is important to emphasize that this is not a traditional large drive-in screen but a smaller portable type with a maximum height of twenty feet.

The eastern portion of the future parcel is located within a flood zone and will be left undisturbed.

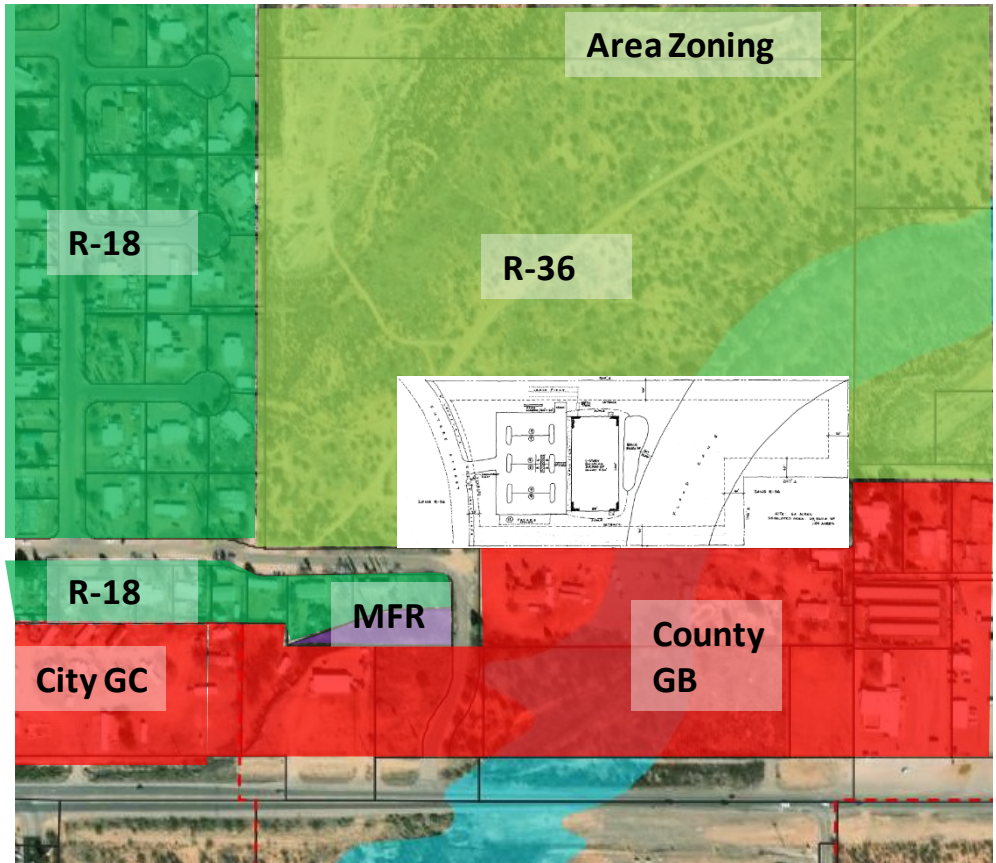


Location Map



1. Compliance with Duly Adopted Plans: Complies

The parcel is located within the Urban Growth Area (A) which describes this as areas of residential and nonresidential areas that are likely to be incorporated in the future. The area meets many of the criteria including having water and fire service. Average lot sizes are less than one acre or are commercially designated. The area is further defined as Developing, which are mixed with residential, business, industrial and agriculture activities but expects to accommodate future growth.



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

The Zoning District purpose states that the district is to provide for family living at low to medium densities in a variety of housing types. Although the purpose statement dose not specifically mention commercial businesses, recreational facilities are allowed subject to approval of a Special Use. Additionally, the area is adjacent to General Business Zoning and a former mini-golf course that is now a commercial business.

3. Development along Major Streets: Complies with conditions

The project is located on a 90 degree curve where North Central Avenue becomes East Central Avenue. As currently configured, the proposed use would not have adequate or safe access. Therefore, staff is recommending several conditions to ensure the area roads can handle the proposed development. First, the applicant shall provide a traffic statement in conjunction with the permit submittal. The statement needs to identify any improvements to the area roads required as a result of this development from SR90, to the site. The second condition requires the applicant to continue North Central Ave north into the 32 acre site as shown on the conceptual plan. This will require a redesign of the North Central and East Central intersection so that the roads are at a 90 degree. The ultimate design shall be reviewed and approved by the County Engineer. Finally, there is a non-vehicular access easement across all but 24 feet of the 32 acre parcel. The Applicant will have to work with ROW to have a portion of that easement abandoned to accommodate the new road.



4. Traffic Circulation Factors: Complies with conditions

As discussed above a traffic statement is required which will identify any improvements triggered by this development and the applicant will be required to make said improvements, in addition to the new road located in front of their business.

Staff reached out to Vista Transit to look into the possibility of providing transit service to the project and surrounding neighborhood. Unfortunately, due to their funding they are not able to accommodate County areas at this time. The closest transit stop is at Canyon Vista Medical Center, approximately 3/4 of a mile west.

5. Adequate Services and Infrastructure: Complies

Water, gas and power is within the vicinity and a septic system will be installed.

6. Significant Site Development Standards: Complies with conditions

Site Plan:

In conjunction with the non-residential permit submittal the applicant shall provide a detailed and fully dimensioned site plan. This plan will show all setbacks, travel ways, parking location, unloading zone, all prosed screen walls, trash enclosure, etc.

Screening:

The Zoning regulations require that the commercial use be screened from residential zoning with a minimum six (6) foot high wall. The code does allow for deferment of this requirement until such time that the residential property is developed. All outdoor storage, including but not limited to trash shall be screened by a minimum of six (6) tall wall.

Landscaping: The zoning regulations require a minim 5% of the total developed site be landscaped and a minimum 5 foot wide strip shall be provided along all streets. The applicant is encouraged to save or relocate as much of the native vegetation as possible. All landscaping installed shall be drought tolerant and comply with the Sierra Vista Sub Watershed requirements.



Setbacks:

A minimum 20 foot setback is required from all property lines and the applicants site plan demonstrates compliance.

Lot Coverage:

The Residential Land Use district restricts lot coverage to a maximum of 65%. The plan currently shows approximately 24% lot coverage. This will be confirmed at permit submittal

Height:

Maximum height allowed in the Residential Land Use District for the primary use (skating rink building) is 30 feet and will not be exceeded. Accessory structures, such as the inflatable movie screen is limited to 20 feet and also will not be exceeded. These will both be verified at permit submittal.

Lighting:

Any lighting required shall be shown on the non-residential permit application and will be required to be fully shielded and comply with the Outdoor Lighting Regulations.

7. Public Input: Does not comply

The applicant mailed letters to property owners within 1,000 feet of the property prior to application submittal. Unfortunately, a typo on the phone number made it harder to reach out to the applicant. When folks called Staff, we provided the correct number and connected them.



The Planning Department mailed letters to the same property owners within 1,000 feet of the subject property, published a legal ad in the *Sierra Vista Herald*, and posted legal notices on the property. To date, staff has received sixteen (16) letters in opposition and six (6) in support of the request.



The issues raised include:

- Increase in traffic
- Traffic circulation
- Noise
- Confusion on location

8. Hazardous Materials: Complies

There are no proposed hazardous materials.

9. Off-Site Impacts: Complies with conditions

The major off-site impacts could include traffic increase and noise.

Traffic:

The project is conditioned to provide a traffic statement. This document will evaluate the existing conditions and determine what improvements are necessary as a result of the proposed development. Additionally, staff has included a condition that requires the North Central and East Central Ave intersection to be reconstructed into a 90 degree intersection. North Central will be improved north, across the applicant's property to County standards.



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Noise:

There will be an increase in noise as the site is currently vacant. However, to help mitigate the noise from the drive-in the audio will be transmitted via the car radio. There is a requirement of landscaping along the extension of North Central Road which will also help to dampen sounds coming off the site. The noise of the drive-in is further limited as it will only be on two nights a week and done by 10PM.

10. Water Conservation: Complies

The applicant estimates that approximately 400 gallons of water per day would be used. As currently zoned the 6 acre site could build seven (7) single family homes that would use significantly more water. Additionally, the building is located within the Sierra Vista Sub Watershed and so conservation measures will be required to reduce water usage.

VI. PUBLIC COMMENT

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VII. WAIVERS AND DEFERMENT

No waivers are requested for this project.

Staff recommends a deferral of the construction of a wall along the north parcel boundary until such time as that property is developed as a residential use.

VII. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to allow a new skating rink and portable drive-in movie theater.

Factors in Favor of Approving the Special Use

1. With the recommended Conditions of Approval, the proposed use would fully comply nine (9) of the ten (10) Special Use factors used by staff to analyze this request and would comply with two additional factors if the Conditions of approval are met;
2. The use would be providing new recreational opportunities to the Sierra Vista area;
3. The Comprehensive Plan designates the area as Category A, Urban Growth Areas and Developing;
4. The Economic Development Element encourages supporting entrepreneurship such as this small business;
5. The Planning Department has received six (6) letters in support to the request.

Factors Against Allowing the Special Use

1. The Planning Department has received sixteen (16) letters in opposition to the request;
2. The applicant does not comply with the public input criteria.

VIII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends **Conditional Approval** of the Rezoning and Special Use request.

Should the Commission approve the Applications, staff recommends the following Conditions:

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 apply to the proposed use pursuant to other federal, state, or local laws or regulations;
3. 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;
4. The applicant shall provide a traffic statement for the project that evaluates the impacts from the project site to SR90. This needs to evaluate the projects impact on surrounding roads and determine what improvements are required as a result of the development.
5. The applicant shall submit street improvement plans for review and approval by the County Engineer for reconstruction of the Intersection of North Central Avenue and East Central Avenue, resulting in a 90 degree "T" intersection or as determined by the County Engineer.
6. The applicant shall submit street improvement plans for review and approval by the County Engineer for the new segment along the project's property boundary.
7. The applicant shall work with Right-of-way staff to abandon the a portion of the non-vehicular access that occurs where the North Central extension is proposed.

8. A detailed, dimensioned site plan shall be provided with non-residential permits;
9. Native vegetation shall be utilized to the greatest extent possible in the required landscape areas.

Sample Motion:

Mr. Chairman, I move to approve Special Use Docket SU-20-12 (SV Skate), located on parcel, 107-21-014A with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.