



# 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 SU21-000003 (SV Skate, Modification of SU20-12)  
**DATE:** February 25, 2021 for the March 10, 2021 Meeting

### **APPLICATION FOR A SPECIAL USE AUTHORIZATION**

As the Planning Commission may recall, a Special Use Authorization to construct an approximately 20,000 square foot indoor skating rink and outdoor cinema on approximately 2.5 acres of a 32-acre site was approved by the Planning and Zoning Commission on November 10, 2020.

The Applicant is requesting two modifications to that approval.

1. The first modification is to allow onsite aggregate parking and driveway surfaces instead of a paved surface.
2. The second modification is to allow Special Events to occur onsite without the need for individual special event permits. These may include additional (weekdays Wed-Friday 11 am-10 pm) drive-in movies, car shows, farmers markets, and similar events. Outdoor snack stands and portable restrooms will be provided until the Skating Rink is constructed.

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

This Staff report will specifically address the requested modification. For additional details on the original approval, see the Staff Report previously presented to the Commission, included as an attachment.

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

Parcel Size:	2.5 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, mobile drive-in cinema, and special events

#### **Planning, Zoning and Building Safety**

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**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**

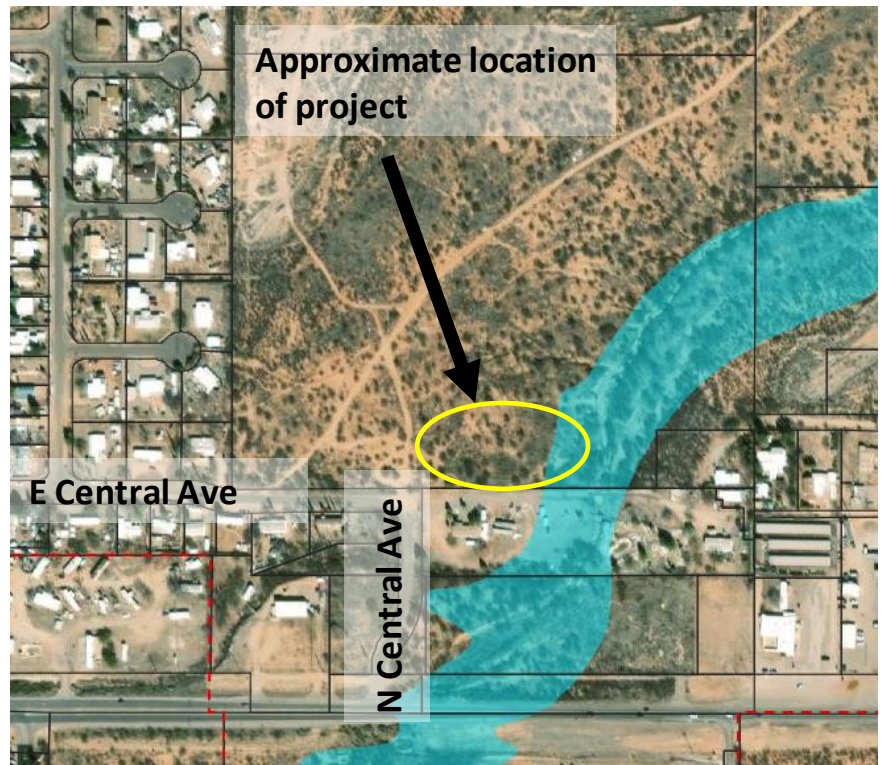
Previously part of the Portland Cement operation

**III. NATURE OF REQUEST**

The Applicant has been working with Engineers and contractors to develop the proposed project. Plans are being developed to improve North Central Road north on the subject parcel and re-aligning the intersection and North Central and East Central Avenues. These roadways are required to be paved.

The Applicant is requesting a modification to Section 1804.07.B, which state in full:

*Except as noted below, every parking and loading area and all driveways for sites within a Category A (Intensive Growth) Area shall be paved with asphaltic concrete or with an equivalent or better material approved by the County Zoning Inspector. These shall be properly drained to prevent impoundment of surface water and shall conform to the design standards of Section 1804.09 herein. A two-inch thick gravel surface, or equivalent or better surface if approved by the County Zoning Inspector, properly drained to prevent impoundment, shall be allowed if the site takes primary access off of a dirt or gravel road. If any of the roads accessed by the use are improved with a double bituminous surface treatment or better, any expansion of the use requiring a building permit or a change of use shall require that all existing and required additional parking and loading areas and driveways be improved per the standards in this Section within six-months from the date of building permit issuance for the expansion.*



Since the project will be located off a paved road, the Section requires the parking and drive aisles to be paved. The primary reason for this request is cost savings. The Planning Commission has the ability to grant the request if they deem appropriate. Staff has discussed this request, and although the area is in Category A, there are several driveways and parking lots in the area that are either gravel or dirt. There were no negative comments received from any agencies, including Fry Fire and Engineering and Natural Resources. However, should the Planning Commission

approve this request, a condition is recommended requiring a paved apron on the project site to the County Engineer's satisfaction to keep gravel off the paved road.

The second request is to allow temporary special events to occur on the site without the need for individual event permits. Section 1720 provides the requirements for temporary Uses. Temporary Uses include the following:

- Contractors office
- Contractor equipment storage
- Subdivision sales office
- Carnival or circus
- Christmas tree sales
- Events of public interest

The modification requests that the site be allowed to hold events that include but are not limited to outdoor art and craft shows and exhibits, farmers markets, outdoor concerts, outdoor revivals, rallies, and outdoor charity events. These events are allowed to occur in all zoning districts. Typically a permit is issued for an event for up to seven consecutive days within any three months. Longer events may be allowed up to six consecutive weeks within a six (6) month period subject to the Board of Supervisors' approval.

Staff does not believe that opening up the site to allow all of these temporary uses would be appropriate. However, staff would like to make the following recommendations to the Commission to help make some of the process easier for the Applicant:

**Farmers Market:**

The residential zoning district allows for Farmer Markets to be approved by Special Use. The Applicant has provided a site plan showing the proposed location of vendors, parking, and restroom facilities. The staff recommends the Special Use be modified to allow an up to weekly farmers market to occur onsite. The Applicant is still required to work with Environmental Health Services to ensure they comply with their requirements.

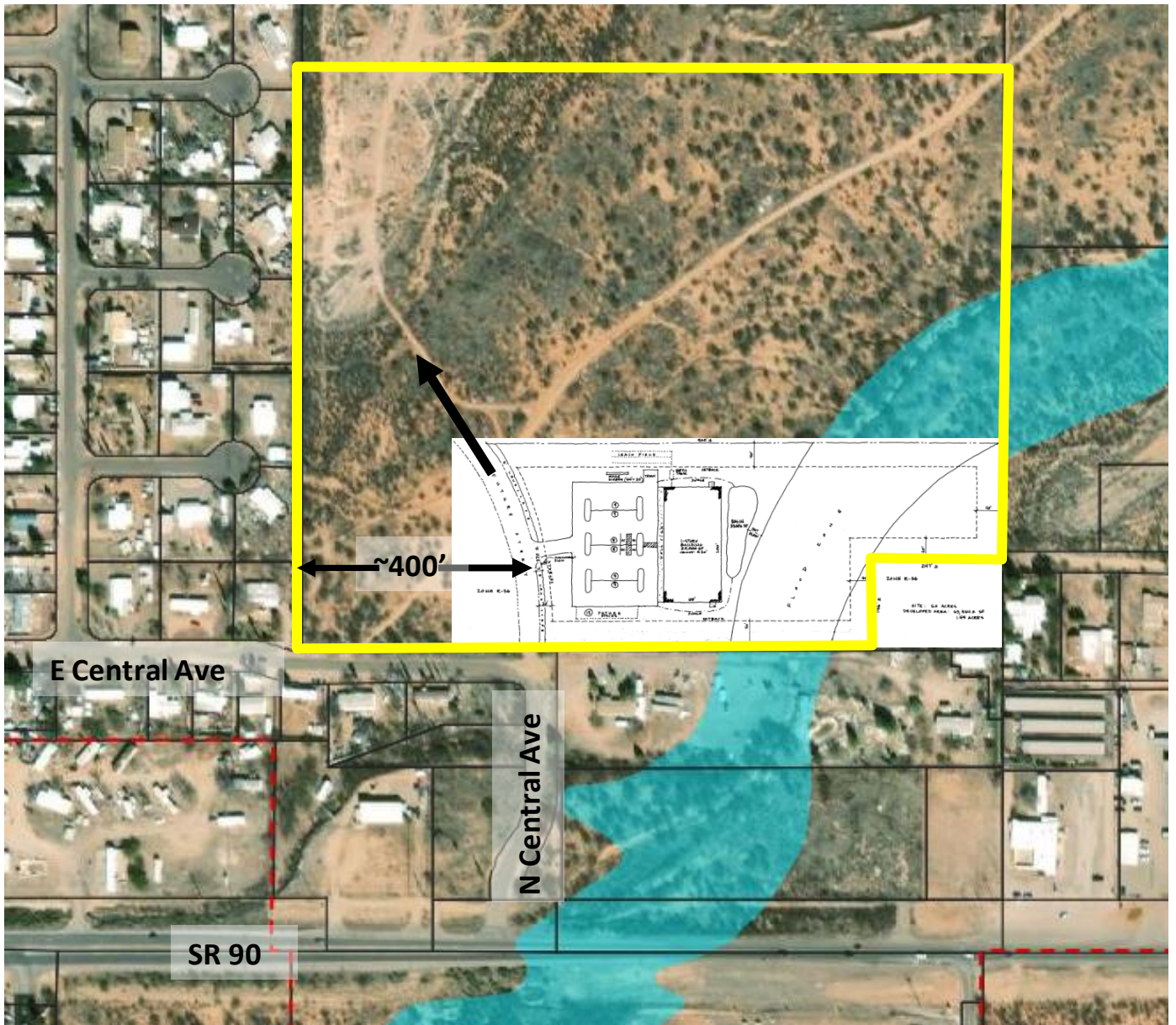
**Other Events:**

The site does not easily allow for large wedding services. For example, there are no permanent restrooms, changing rooms, pavilions, etc. Therefore these events would be unlikely. In discussion with the Applicant, someone may wish to get married in conjunction with watching a movie. Therefore, staff would recommend that ancillary events such as more common birthday parties and weddings be allowed to occur in conjunction with regular operating hours.

Carshows, art festivals, and similar events are also identified in the request. Staff does not believe that independent shows or events not tied to the cinema would be appropriate. For example, if an afternoon car show was tied to the evening drive-in staff would be supportive of that event. However, renting the site out independently to a local car club for the only purpose of a car show would not be appropriate of a vacant lot. In the future, once the rink has been constructed this would be revisited.

**Extended Days/hours of operation:**

The application originally approved the outdoor cinema for two evenings a week. The Applicant is requesting to extend that to Wednesday through Saturday, 11 am to 10 pm. The Zoning regulations do not establish any hours or days of operation for a business. There was no condition restricting the days/hours of operation previously. Therefore, staff would recommend no restrictions on the days of operation but restrict the hours of operation from 10 am to 10 pm to minimize impacts to the neighbors.



**Public Notification**

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, the staff has received three (3) letters. One was in general support, one other supported the gravel, but not the overall special event requests, one was in general opposition.

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

1. With the recommended Conditions of Approval, the proposed use would still fully comply ten (10) 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, including events to the Sierra Vista area;
3. Allowing the gravel would help a new business to be developed while not cause negative impacts to surrounding properties;
4. The Economic Development Element encourages supporting entrepreneurship such as this small business;
5. The Planning Department has received two (2) letters in support of the request.

**Factors Against Allowing the Special Use**

1. The Planning Department has received one (1) letters in opposition to the special event request;

**VIII. RECOMMENDATION**

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

Should the Commission approve the Applications, staff recommends the following Conditions (all previous conditions remain in addition to new conditions shown in **bold**):

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 from ARS Section 12-1134. Before the Special Use operation, 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), with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit shall 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 project site's impacts to SR90. The traffic statement needs to evaluate the project's impact on surrounding roads and determine what improvements are required due to the development.
5. The Applicant shall submit street improvement plans for review and approval by the County Engineer for the 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 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.
10. **In conjunction with the commercial permit submittal, the Applicant shall provide a detailed site plan showing where the vendors, parking, restrooms, etc., will be located for the farmers' market and special uses.**
11. **The Applicant shall provide proof of liability insurance at permit submittal.**
12. **All events, shall be tied to the operation of the business. The site shall not be rented out to other groups.**
13. **The gravel shall be no less than 2" thick, compacted, and of consistency so as not to allow any dust to be generated.**
14. **The street improvement and site plan shall provide an asphalt apron to the satisfaction of the County Engineer that prevents gravel from entering the right-of-way.**

Sample Motion:

*Mr. Chairman, I move to approve Special Use Docket SU21-000003 (SV Skate Modification of SU20-12), 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.*