



# Cochise County

## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Daniel Coxworth, AICP, Development Director  
**SUBJECT:** Docket SU21-24 (Auto Ace Garage)  
**DATE:** November 10, 2021

### APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant, Neal Bryon, requests a Special Use Authorization to legitimize Auto Repair Services, light, not to exceed 2,500 square feet of floor area.



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

Address:	5629 Calle Sedillos
APNs:	104-20-030E and 030D
Parcel Size:	2.21 acres (both parcels)
Current Zoning:	R-36 (Residential, One Home per 36,000 square feet)
Growth Area:	Category B
Comprehensive Plan Designation:	Neighborhood Conservation (NC)
Area Plan:	None
Existing Uses:	Single-Family Residence
Proposed Uses:	Repair Services, Light

**Development Services**  
1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
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**Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Ramsey Road, Vacant
South	R-36	Single-Family Residence
East	R-36	Single-Family Residence
West	R-36	Single-Family Residence

**II. PARCEL HISTORY**

- HBP-010781 – 3,052 Single-Family Home
- HBP-011101 – Storage Shed and Block Wall
- HBP-011142 – Inground Pool
- BP19-344 – 1,200 sq ft. Metal Building with electric
- 21-002969 – Violation for Auto Repair



**III. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 1716.02 of the Zoning Regulations provides a list of ten factors to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, recommend approval for a Special Use Authorization, and determine what Conditions and/or Modifications may be needed.

**1. Compliance with Duly Adopted Plans: Does Not Comply (Condition)**

The Comprehensive Plan describes the Rural Designation as follows: An area with an established character that is primarily residential and needs special rezoning protections to maintain the character of land use that occurs.

Under normal circumstances, a request for an auto repair in an area designated as Neighborhood Conservation (NC) with numerous existing single-family homes would be discouraged and may result in a recommendation of denial by staff. However, for this Special Use request, the applicant maintains the residential character of the property, and the impact of the business is minimal.

**Condition:** Staff proposes a condition of approval of the Special Use Permit that the permit and use are null and void if the property is sold or the applicant no longer resides on the property.

## **2. Compliance with the Zoning District Purpose Statement: Does Not Comply (Condition)**

As stated in Section 701 (Purpose) of the zoning regulations:

R (Residential Zoning Districts) are established to achieve the following purposes:

701.01 To provide an area for family living at a variety of low to medium densities; and

701.02 To provide an area where single-household dwellings, rehabilitated mobile homes, and manufactured homes can co-exist. More densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in scale with existing development near the proposed site and conformance with Section 601.06.

**Condition:** Staff proposes a condition of approval of the Special Use Permit indicating that the permit and use are null and void if the property is sold or the applicant no longer resides on the property.

## **3. Development Along Major Streets: Complies**

The property is accessed from Calle Sedillos. The right-of-way department (Environment and Engineering) does not allow residential and business access from Ramsey Road.

No right-of-way dedication is required.

## **4. Traffic Circulation Factors: Complies**

The site plan submitted with the application provides adequate on-site traffic circulation and parking for the auto repair business.

## **5. Adequate Services and Infrastructure: Complies**

Calle Sedillos is a chip-sealed road. Adequate utilities in the area service the property.

## **6. Significant Site Development Standards: Complies**

All structures on the site are permitted and meet all development standards such as setbacks, lot coverage, height, and lighting.

The property is located in a Category B Growth Area, and several waivers are necessary to maintain the residential character of the property. Therefore, additional commercial site development standards are not recommended by staff and the Special Use Permit, if approved, is subject to the site plan submitted.

## **7. Public Input: Complies**

The applicant mailed letters to property owners within 300 feet of the property before application submittal. The Planning Department mailed letters to the same property owners within 300 feet, published a legal ad in the *Sierra Vista Herald*, and posted a legal notice on the property on October 8, 2021.

Responses in favor: 1

Responses against: 0

### **8. Hazardous Materials: Complies**

The Applicant states on their application that no hazardous materials will be used or will be present at this facility. However, in a follow-up discussion with the applicant, there is the on-site storage of lubricants, oil, fuel, etc. The products are stored in a shed, and used oil is taken away by a company and recycled.

### **9. Off-site Impacts: Complies**

- Odor –The repair of autos on the site does not generate noticeable off-site odors.
- Glare/Glow – There will be no noticeable increase in lighting. All lights comply with the Outdoor lighting regulations
- Noise – The increase in noise as a result of the auto repair is minimal. The repair of autos is conducted Monday – Friday – 8:00 a.m. to 6:00 p.m. Only Mr. Neal works on autos on the site.
- Traffic – The applicant estimated between 8-10 vehicles a day and 2 -3 delivery trucks per week will enter/exit the site. There are no employees of the business besides the owner
- Dust – Gravel driveway serves as access to the home and business.

### **10. Water Conservation: Complies**

The project site is located within the Sierra Vista Sub-Watershed. The auto repair uses minimal water as the repair garage is not connected to water.

## **IV. WAIVERS**

1. 1804.07 Parking and Loading Area Improvement. A minimum chip seal is required in Category B growth areas. The applicant requests a waiver to allow gravel which is consistent with other residential uses in the neighborhood.
2. 1805 Screening. A non-residential use is required screening of residential developed areas. The property to the north is owned by the applicant and not developed. The property to the east has a 6-foot high wall, and the use is screened from the property to the south. The business is screened from the road by the single-family residence.
3. To cover other commercial site development standards, the approval of the Special Use Permit is subject to the submitted site plan.

## **V. SUMMARY AND CONCLUSION**

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

1. The project complies with eight of the criteria used to evaluate special use requests.
2. The submitted site plan complies with the most applicable site development standards and conditions in section 1826 of the Zoning Regulations.
3. One letter in support.

### **Factors Against Approving the Special Use**

1. The project is not consistent with the applicable policies of the Comprehensive Plan and the Purpose of the

Residential Zoning Districts.

#### **VI. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends **Conditional Approval** of the Special Use request. If the Commission chooses to approve the request, staff recommends the approval be subject to 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 from ARS Section 12-1134.
2. The applicant's responsibility is to obtain any additional permits or meet any additional conditions that may apply to the proposed use under other federal, state, or local laws or regulations.
3. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission;
4. The Special Use Permit is null and void if the property is sold or the applicant no longer resides on the property.

#### **Sample Motions:**

*Mr. Chairman, I move to approve Docket SU21-24, on parcels 104-02-030E and 030D with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.*