



# 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-21-30 (Mesquite Tree)  
**DATE:** January 30, 2022, for the February 1, 2022, Meeting

### APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant, Mr. Brad Dale requests a Special Use Authorization to approve a preschool for approximately 25 kids in an existing 1,728 square foot manufactured building that was previously used as a church. The application includes the addition of fencing, a 120 square foot storage shed, 200 square foot greenhouse and two 300 square foot shade coverings.

The project is located at 5621 Mesquite Tree Lane and identified as Assessor Parcel Number 104-02-021X consisting of approximately 1 acre.

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

Parcel Size: 1 acre  
Current Zoning: R-36 (Residential; one dwelling per 36,000 square feet)  
Proposed Zoning: Same  
Growth Area: Category B  
Comprehensive Plan Designation: Neighborhood Conservation  
Area Plan: None  
Existing Uses: Church and parking lot  
Proposed Uses: Preschool with up to 25 students

### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Vacant land
South	R-36	Single family residence
East	R-36	Single family residence
West	R-36	Single family residence

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

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



Figure 1: Parcel Location Map

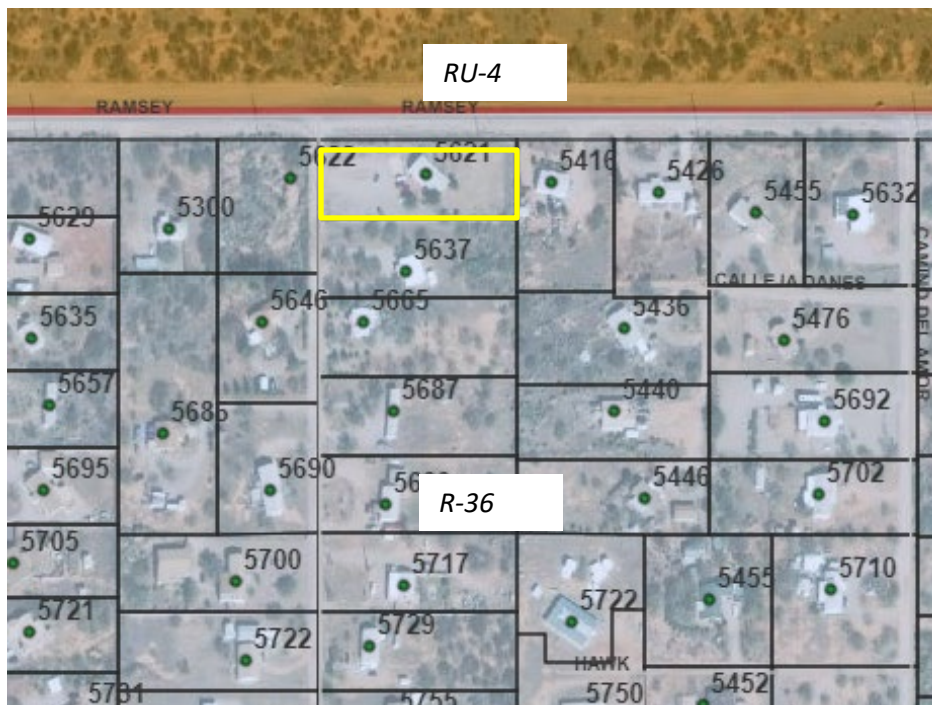


Figure 2: Zoning Map

**II. PARCEL HISTORY**

2001 Permit issued for 1,680 Square foot modular church  
 2012 Permit to convert to an SFR (never completed)

**III. NATURE OF REQUEST**

The Applicant, Mr. Brad Dale requests a Special Use Authorization to approve a preschool for approximately 25 kids in an existing 1,728 square foot manufactured building that was previously used as a church. The application includes the addition of fencing, a 120 square foot storage shed, 200 square foot greenhouse and two 300 square foot shade coverings a shown below.

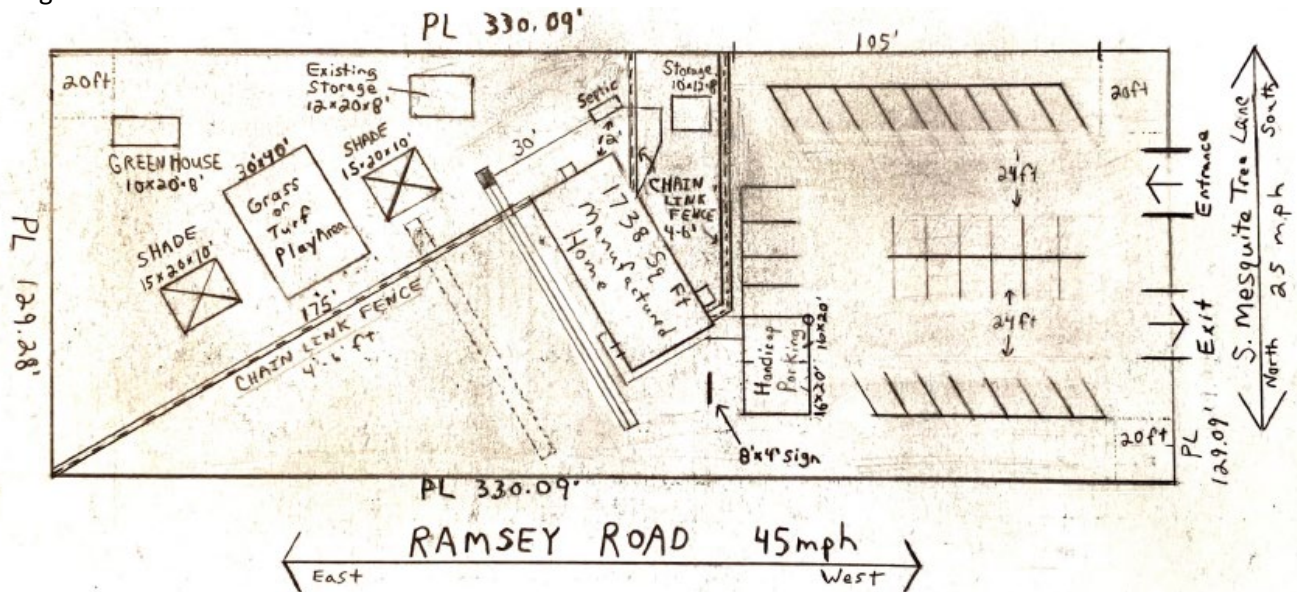


Figure 3: Site Plan

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

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

With the information provided, nine (9) factors apply to this request. The Project, as submitted, fully complies with six (6) of the factors and with the recommended conditions and modification it complies with three (3) additional factors.

**1. Compliance with Duly Adopted Plans: Complies with Conditions**

The project site is located in an area designated “Neighborhood Conservation” in the Comprehensive Plan. This use will not change the overall character of the site, while providing a necessary service to the neighborhood. The Strategic and Comprehensive Plans both support economic development which are served both directly and indirectly by permitting parents to work. These plans also support creating healthy, safe communities, and this will provide a safe place for children in addition to the opportunities created for parents.

**2. Compliance with the Zoning District Purpose Statement: Partially Complies**

The Zoning District purpose statement says:  
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.

Though not specifically discussed in the purpose statement a preschool would be complimentary to and provide a service to the existing neighborhood.



*Photo of the parking lot*



*Mesquite Tree looking north to Ramsey Road*

**3. Development Along Major Streets: Complies with conditions**

Ramsey Road is county-maintained paved road and is capable of handling the proposed traffic volume. Mesquite Road is a private dirt road with a paved apron onto Ramsey Road. The County Engineer reviewed this project and with recommended conditions has no issues approval of the project. The first project is a fence or other device be constructed along Ramsey Road to prevent vehicles from directly access the street. Additionally, at commercial permit stage the site plan will need to show all site distance triangles.

**4. Traffic Circulation Factors: Complies with conditions**

Although, a church was previously located here, the traffic pattern will change as a result of the preschool. Previously, the primary traffic would be expected on Wednesday nights and Sunday mornings. The traffic will now be a daily early am and afternoon. As stated above, with the conditions included the County Engineer is comfortable that area roads can accommodate the traffic.

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

The property is already development with a modular building that was previously used for a church. Utilities are existing including, power, water, and septic.

**6. Significant Site Development Standards: Complies with waiver**

**Setbacks: Complies with waiver**

The site has already been developed with an existing church, parking lot and shed. A wall was constructed along the southern property boundary to eliminate the required setback for parking. There is an existing shed, that does not meet current setbacks. After field inspection it appears that the shed has been there for some time. No complaints have been received by the adjoining neighbor. Therefore, staff would support a waiver to allow the shed to remain in its current location, however all new structures are required to comply with the setbacks.



*Shed located along south property line*

**Lot Coverage: Complies**

The Residential Land Use Districts restricts overall site coverage to a maximum of 65%. Site coverage is defined as "the total percentage of the site covered with structures, buildings, paving, and impervious surfaces other than landscaping, gravel, walls, and fences." The Applicant is well under this threshold.

**Height: Complies**

The maximum height for structures within R-35 zoning are as follows:

- Principal structure: 30' above grade
- Accessory structure: 30' above grade
- Wall or fence: 8' above grade

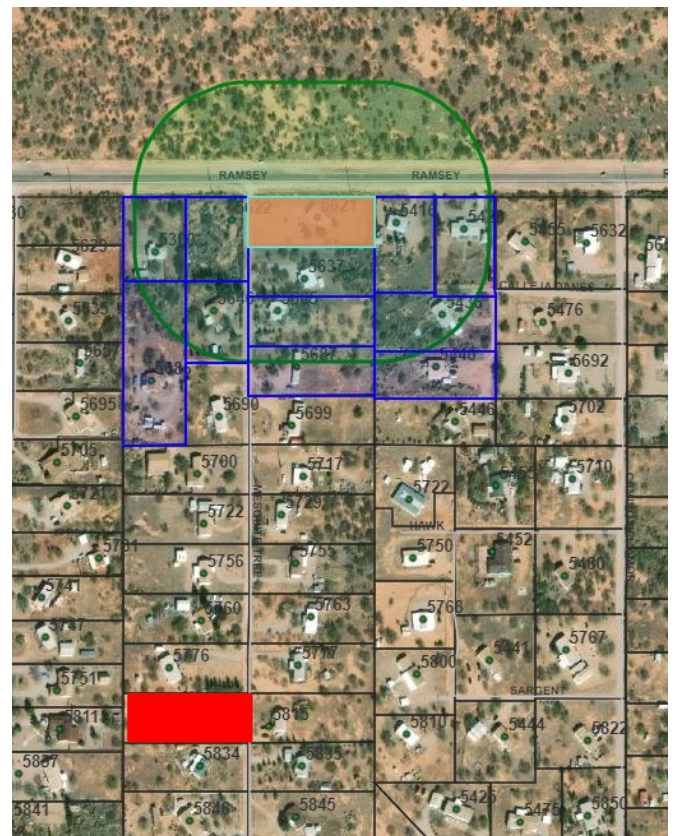
**Lighting: Complies**

No new lighting is proposed. All lighting is required to comply with the Outdoor lighting regulations.

**7. Public Input: Complies**

The Applicant mailed letters to property owners within 300 feet of the property before application submittal.

The case planner mailed letters to the same property owners within 300 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 0 responses in support and 1 responses in opposition. The opposition focused on the concern of additional traffic being created at Mesquite Tree and Ramsey Road. As mentioned previously,



*Figure 4, Neighborhood notification and feedback*

the County Engineer has evaluated the proposal and with the recommend conditions says the project will function adequately.



Concrete parking and ADA access

**8. Hazardous Materials: Not Applicable**

No hazardous materials will be located onsite.

**9. Offsite Impacts: Complies**

The only anticipated offsite impacts could be traffic or noise. The adjacent property owners have not expressed any concern for noise. Additionally, it is located on Ramsey Road, which generates noise from the existing traffic. Traffic increase has been discussed in other sections of this memo.

**10. Water Conservation: Complies**

The project site is located within the Sierra Vista Sub-Watershed. Should building permits be required that applicant shall be required to meet

the standards of conversation established by those regulations.

**V. WAIVERS**

Staff is requesting a waiver to the setback of the existing shed located along the south property line. All new structures are required to meet the setbacks.

**VI. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to approve a preschool with up to 25 kids in a previous church. On a one-acre parcel.

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

1. The Project is consistent with the applicable policies of the Comprehensive Plan;
2. The Project complies six criteria used to evaluate special use requests. It complies, with conditions and modification with three additional criteria;
3. With the requested modification the site plan submitted complies with the site development standards and condition contained in section 1825 of the Zoning Regulations;
4. The project would provide a convenience and service to the local neighborhood; and
5. The Project would provide generate employment.



Proposed child play area

**Factors Against Approving the Special Use**

1. One letter of opposition was received.

**VII. 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 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. Non-compliance can result in the Special Use being revoked upon a 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 Division and may require additional modification and approval by the Planning and Zoning Commission;
4. In conjunction with the non-residential permit submittal the applicant shall show all clear site triangles on the site plan.
5. The Applicant shall provide fencing or other approved methods to prevent vehicles from entering and exiting the site via Ramsey Road.
6. If food or snacks will be provided a plan review of a commercial kitchen will be required by Environmental Health.

**Sample Motions:**

*Mr. Chairman, I move to approve Docket SU-21-30, with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.*