



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 SU22-07 (Piette)
DATE: March 28, 2022 for the April 13, 2022 Meeting

APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant, Ms. Susanne Chieppa, requests a Special Use Authorization to approve an approximately 1,050 square foot building and associated improvements for the boarding of cats and dogs (707.15 Animal Husbandry Services).

The project is located at 3442 E Piette Drive in Hereford and identified as Assessor Parcel Number 105-39-062D consisting of approximately 1.86 acres.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 1.83 acres
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: Single Family Home
Proposed Uses: Same with new 1,050 square foot kennel

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Single-family residence
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
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planningandzoning@cochise.az.gov

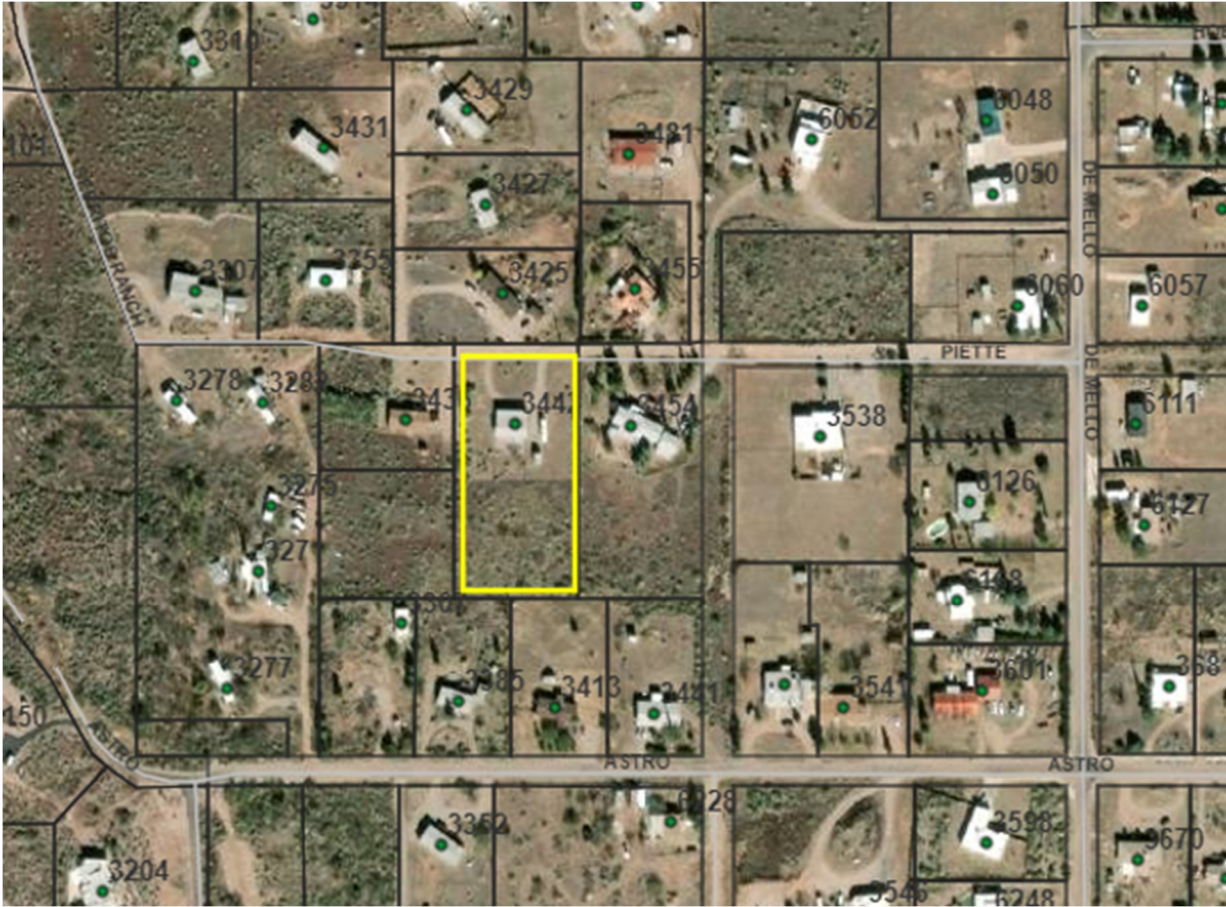


Figure 1: Parcel Location Map

II. PARCEL HISTORY

2001 Permit issued 1488 square foot manufactured home and septic.

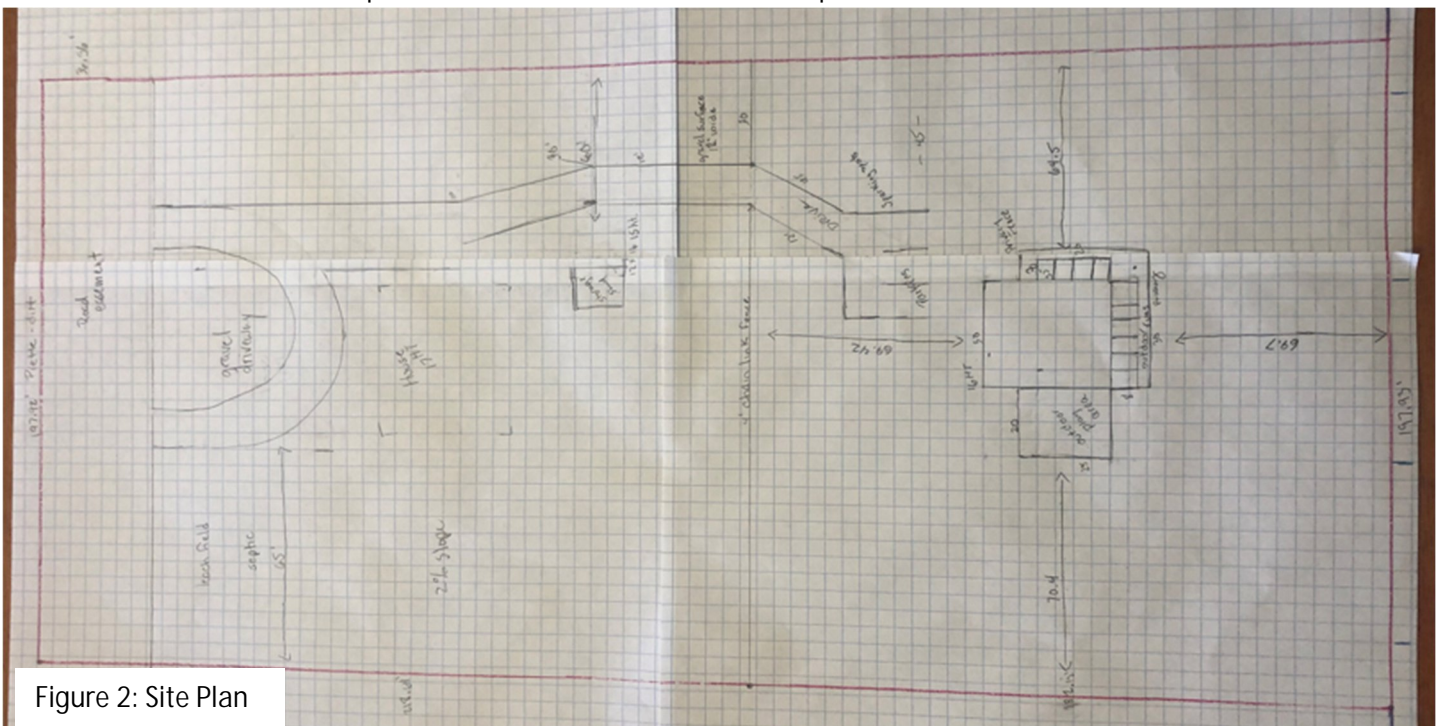


Figure 2: Site Plan

III. NATURE OF REQUEST

The Applicant, Ms. Susanne Chieppa, requests a Special Use Authorization to approve an approximately 1,050 square foot building and associated improvements for the boarding of cats and dogs. The Zoning Regulations consider the use Animal Husbandry Services, defined as - Facilities, including kennels, related to the care, raising, boarding, and breeding of animals. Animal Husbandry Services are allowed in the residential zoning districts pursuant to a Special Use Authorization (Section 707.15 Animal Husbandry Services).



Photo of property in question

IV. 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, whether to recommend approval for a Special Use Authorization and determine what Conditions and/or Modifications may be needed.

Eight (8) factors apply to this request with the information provided. The project, as submitted, fully complies with two (2) of the factors, and with the recommended conditions, it complies with one additional factor.

1. Compliance with Duly Adopted Plans: Does not comply

The project site is located in an area designated "Neighborhood Conservation" in the Comprehensive Plan. The Plan states, "The area to be designated is a developed neighborhood that needs protection from non-residential uses (Section 404.02.B). This use will bring a commercial business into an established residential neighborhood. This business would also not be directly serving the neighborhood. The addition of up to ten (10) non-resident dogs would increase traffic and noise and change the neighborhood's character.

2. Compliance with the Zoning District Purpose Statement: Does not comply

The Zoning District's 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.

The Residential Zoning District allows for certain uses to be requested by Special Use. Animal Husbandry is one of the uses. Section 1716.01 states: Because of their unique characteristics and often high potential to adversely impact surrounding properties, Special Use Authorizations may be permitted within the Zoning District only to demonstrate



Photo of neighboring property to the east

that potentially negative offsite impacts have been mitigated. Staff does not believe that the potential offsite impacts from up to ten (10) non-resident dogs can be mitigated. In addition, the potential noise of barking dogs and the modest traffic generated by the use would change the neighborhood's character. This type of use would be more appropriate in a rural area.

3. Development Along Major Streets: Not applicable

The proposed Special Use is not located along a major road.

4. Traffic Circulation Factors: Does not comply

The request is located on a rough, private non-maintained road. Recently, neighbors near De Mello paved a portion of the road, but it did not extend to this property. Piette is a residential street. This use will result in non-residential traffic utilizing residential streets.



Photo of Piette Road and neighboring property

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Section 1716.02.D.2 states: The Special Use Authorization request does not result in the use of any residential street for non-residential through traffic.

In the past, staff has been able to make the case to allow this based on the area's rural nature, the minimal amount of traffic increase, neighbor support or no response to a request, etc. But unfortunately, none of these factors can be utilized to support this factor.

5. Adequate Services and Infrastructure: Complies

The property is already developed with a single-family home. The proposal will add an approximately 1,050 square foot building where the kennel will be located. Utilities exist, including power, water, and septic.

If the power needs change or additional service lines are required, SSVEC has advised the applicant to reach out.

As part of the permitting process, the applicant shall demonstrate appropriate handling of the wastewater for the kennel to the satisfaction of Environmental Health.



Gravel driveway to subject property

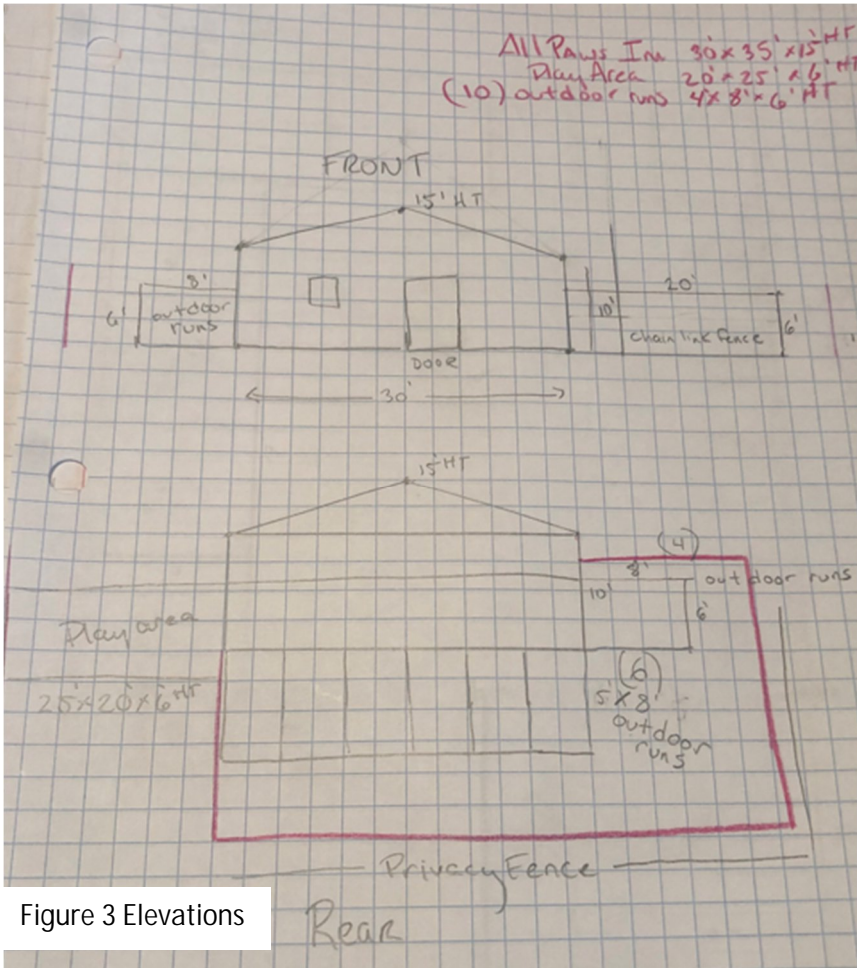


Figure 3 Elevations

The new building will have a height of 15 feet.

Lighting: Complies

All lighting is required to comply with the Outdoor lighting regulations.

6. Significant Site Development Standards: Complies with conditions

Setbacks: Complies with condition

The new building will be located towards the rear of the property and setback at least 64.5 feet from the property line. Though this exceeds the required 20-foot setback, barking and other associated noises will still be audible.

Lot Coverage: Complies

The Residential Land Use Districts restrict overall site coverage to a maximum of 65%. Site coverage is "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-36 zoning is as follows:

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

Screening: Complies with Condition

The property is located within Growth Category B, which requires non-residential uses be screened from residential uses with a six (6) foot tall solid screen. There is a privacy fence shown on portions of the site. Typically, staff would support a waiver to this requirement as it would be more obtrusive than the actual use. If the Planning Commission approves the request, staff would suggest not waving this requirement and including a condition that requires solid screening, clearly showing the location and material of all fencing material.



Landscaping:

The property is located in Category B, which requires a minimum of 5% of the total developed site to be landscaped. That is not shown on the plans and is included as a condition.

7. Public Input: Does not comply

The applicant mailed letters to property owners within 1,000 feet of the property before application submittal.

The case planner 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 three (3) responses in opposition. The opposition focused on noise, traffic increase, the introduction of non-resident animals, lower property values, impact to wildlife, and inappropriate commercial business areas.

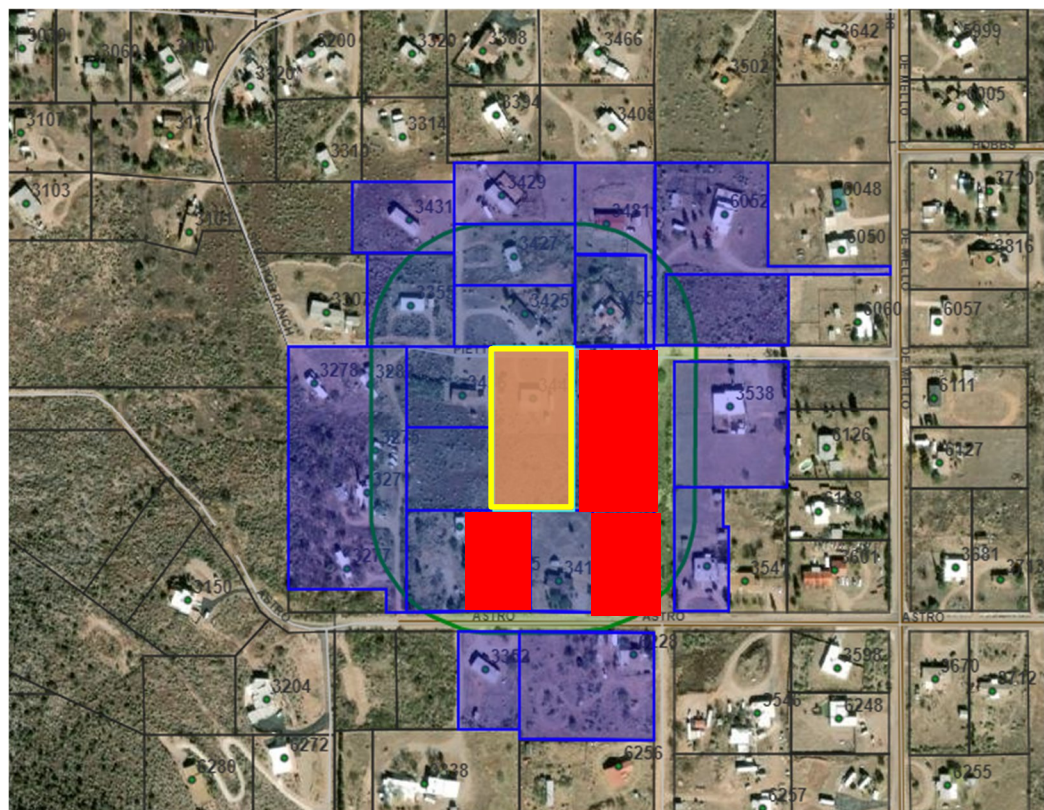


Figure 4, Neighborhood notification and feedback

8. Hazardous Materials: Not Applicable

No hazardous materials will be located onsite.



9. Offsite Impacts: Does not comply

The primary offsite impact would be noise and a modest increase in traffic. The applicant shows a privacy fence around the facility and discusses the Plan for keeping the noise down in their application. These solutions include

barking collars, indoor only in the evening, etc. With the building located only 64 feet from the neighbor's property line Staff is concerned that these will not be enough to mitigate the noise impacts of the proposed use.

10. Water Conservation: Complies
The project site is located within the Sierra Vista Sub-Watershed. Upon the submittal of building permits, the applicant shall demonstrate compliance with the water conservation measures.

V. WAIVERS

No waivers are requested or recommended with this request.



VI. SUMMARY AND CONCLUSION

The Applicant, Ms. Susanne Chieppa, requests a Special Use Authorization to approve an approximately 1,050 square foot building and associated improvements for the boarding of cats and dogs (707.15 Animal Husbandry Services).

Factors in Favor of Approving the Special Use

1. The project complies with two criteria used to evaluate special use requests. It complies with conditions with one additional criteria;
2. With the recommended conditions, the site plan submitted complies with the site development standards and conditions contained in section 1825 of the Zoning Regulations;
3. The project would provide a service to the greater Sierra Vista Area; and
4. The project could potentially generate one additional job.

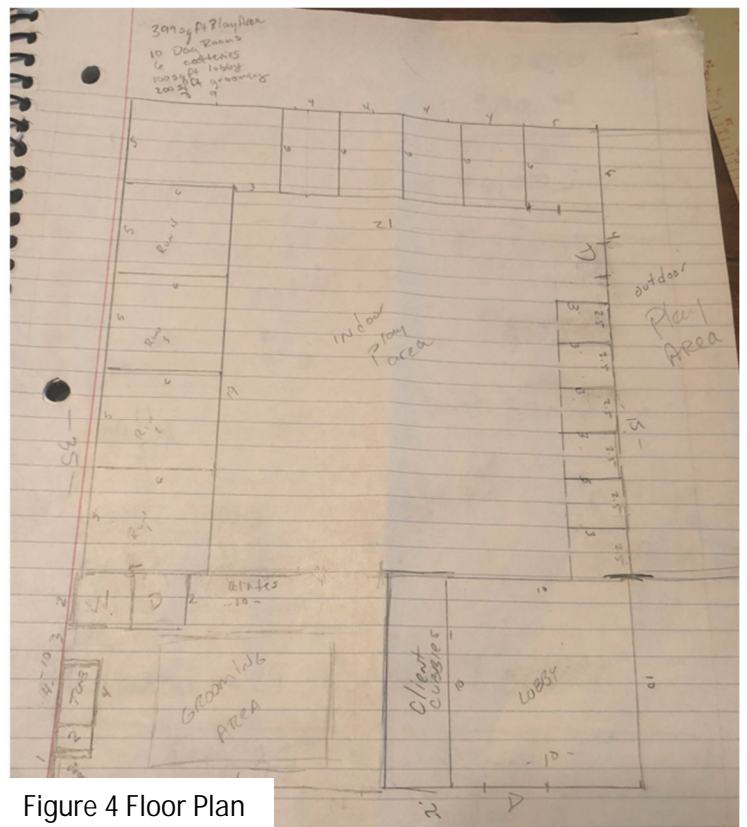


Figure 4 Floor Plan

Factors Against Approving the Special Use

1. Three (3) letters of opposition were received;
2. The project is not consistent with the applicable policies of the Comprehensive Plan;
3. The project does not comply with five criteria used to evaluate special use requests;
4. The use increases noise and traffic in an established residential neighborhood;
5. The use is more suited to a rural area of the County.

VII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends Denial 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 with 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. Solid screening of at least six (6) feet shall be constructed around the entire non-residential use, including parking, outdoor runs, and facilities.
5. A minimum of 5% of the developed site shall provide drought-tolerant landscaping.

Sample Motions:

Mr. Chairman, I move to approve Docket SU22-07, on parcel 105-39-062D with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.