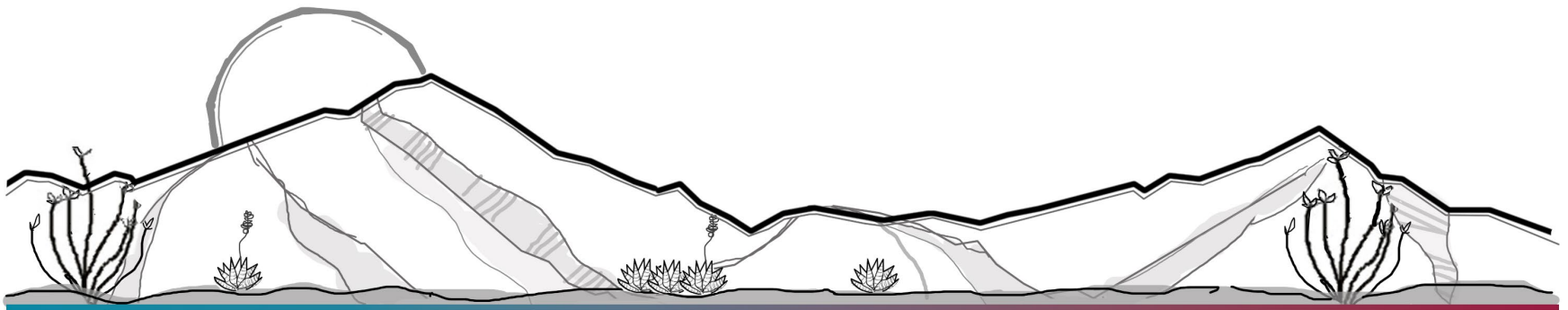


SUA 23-02

(Kaibab Manuf Appeal)

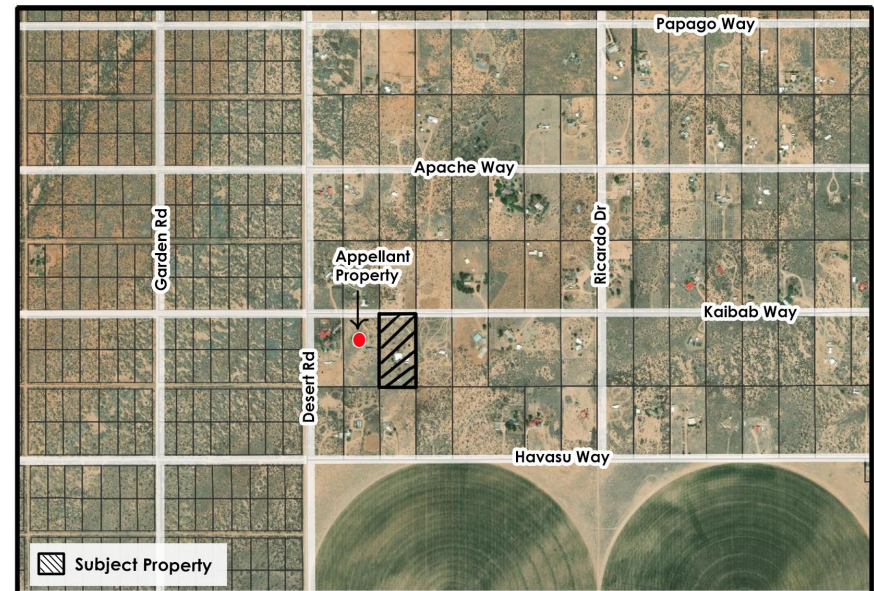
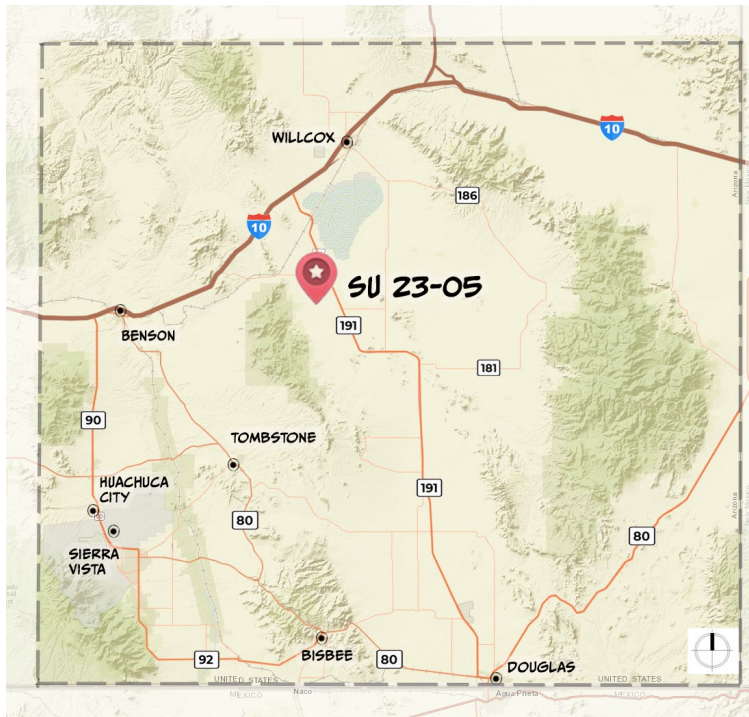
**Appeal of a Planning and Zoning Commission
Approval of a Special Use Authorization for
Manufacturing**

Board of Supervisors
April 25, 2023



DEVELOPMENT SERVICES

- SU 23-05 was a request to permit manufacturing on a rural zoned property
- The subject property includes Parcel 206-22-115 (5 acres) 372 W. Kaibab Way Cochise, AZ
- The applicant lives on one of the subject parcel. The appellant is a neighbor that is aggrieved by the approval.

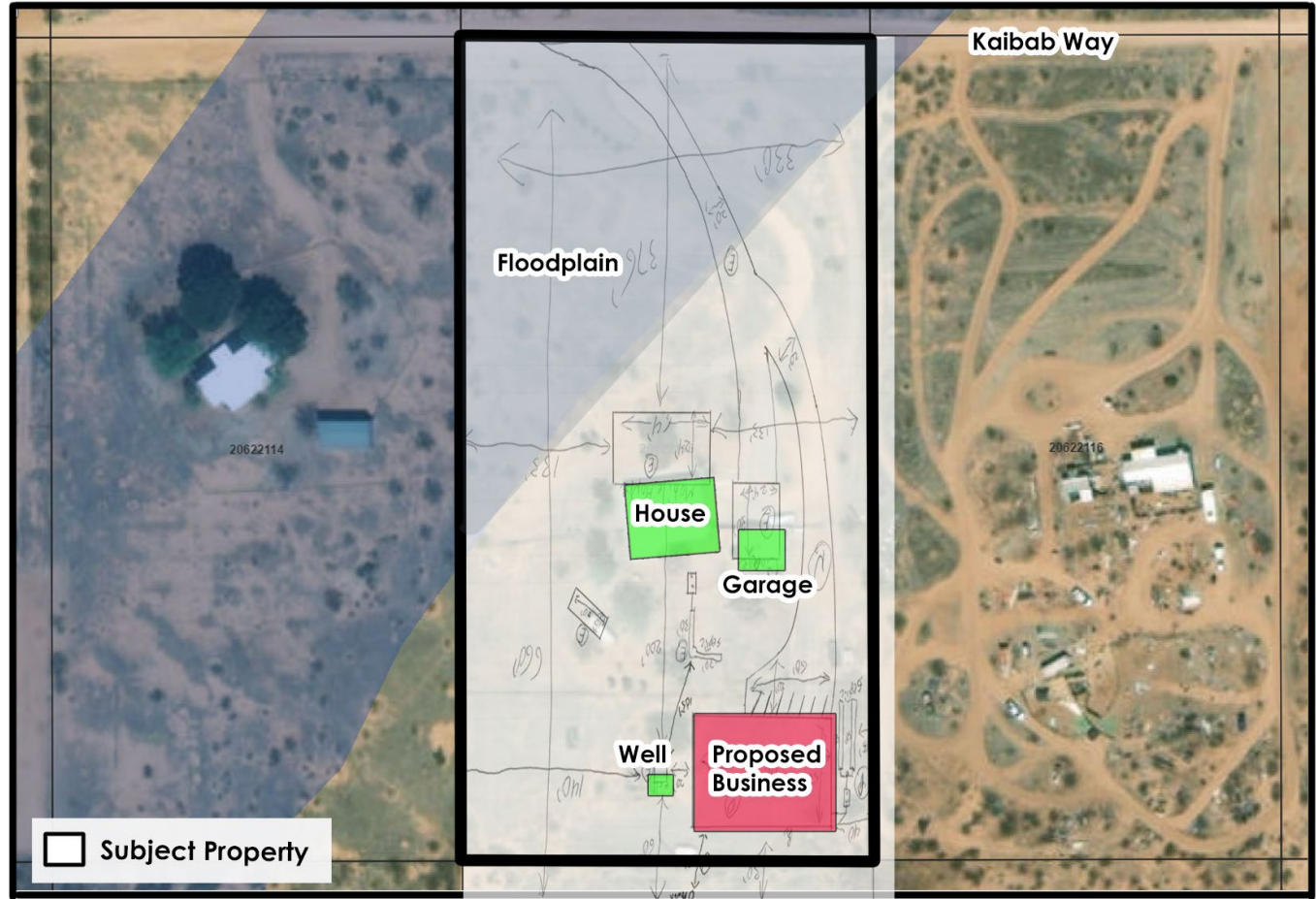


Location
 SUA 23-02 Kaibab Manufacturing Appeal

DEVELOPMENT SERVICES

Concept Plan

- SU Applicant (Rush) proposed pre-fab building, not to exceed 5,000 SF, to conduct a manuf. Business
- SUA Appellant (Navarro) objects



Concept Plan
 SU 23-05 Kaibab Manufacturing

DEVELOPMENT SERVICES

There are 10 factors used to evaluate all special use proposals. As submitted, the application:

Complies: 5 factors

- Compliance with Duly Adopted Plans
- Compliance with the Zoning District Purpose
- Adequate Services and Infrastructure
- Water Conservation
- Public Input

Complies with Conditions: 3 factors

- Traffic Circulation
- Adequate Services and Infrastructure
- Offsite Impacts

Not applicable: 2 factors

- Development Along Major Streets
- Hazardous Materials



Evaluation Criteria of An Appeal

There are two requirements the Board must consider to evaluate all appeals of special uses proposals.

1. All reasons why the appellant believes that the decision, or any part of the decision, was erroneous, arbitrary, capricious, or an abuse of discretion.
2. Written presentation of additional testimony and evidence, a full explanation of the additional testimony and evidence that will be submitted, with an explanation of why this was not presented to the Planning Commission.



Appellant Claims

Why the decision, or any part of the decision, was erroneous, arbitrary, capricious, or an abuse of discretion.

- *The appellant disagrees that the proposed use is in compliance with the zoning district purpose*
- *The appellant disagrees with the County's adopted public notice requirements and/or feels it was not followed*
- *The appellant disagrees with the County's adopted meeting protocol and rules of procedure of the Planning and Zoning Commission and/or feels it was not followed*
- *The appellant disagrees with statements made by special use applicant in the application and/or at the meeting*
- *The appellant claims there are health and environmental repercussions associated with the manufacturing of circuit cards.*



Appellant Claims

Additional testimony and evidence that will be submitted, with an explanation of why this was not presented to the Planning Commission.

- *The appellant requested additional information regarding the business regarding the corporate profile and NAICS codes. They have submitted research they feel is relevant.*



- An **approval** of this appeal request would **reverse** the decision of the Planning and Zoning Commission and not permit the special use request for manufacturing
- A **denial** of this appeal request would **affirm** the decision of the Planning and Zoning Commission and would permit the special use request for manufacturing



Factors In Favor of Appeal Approval

1. The appellant has submitted a rationale for why they feel why the decision, or any part of the decision, was erroneous, arbitrary, capricious, or an abuse of discretion.

Factors In Favor of Appeal Denial

1. A denial would overturn a unanimous 8-0 (approval, denial) decision by the Planning and Zoning Commission, the board that is designated to consider all special use authorizations
2. Staff refutes claims that meeting protocol and the rules and procedure were improper. Staff also refutes claims that the public notice was inadequate or improper.

Staff Recommendation

Based on the Factors in Favor of An Appeal Approval, Staff recommends Denial of the Appeal (SUA-23-02), thereby affirming the Planning and Zoning Commission's Approval of SU-23-05, attaching the original Conditions of Approval to the special use request.



Sample Motions

*Madam Chairman, I move to **approve** Docket SUA-23-02, **reversing** the March 8, 2023 approval by the Planning and Zoning Commission, the Factors in Favor of the Appeal Approval constituting Findings of Fact.*

*Madam Chairman, I move to **deny** Docket SUA-23- 02, **affirming** the March 8, 2023 approval by the Planning and Zoning Commission, the Factors in Favor of an Appeal Denial constituting Findings of Fact.*

