



Development Services

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Matthew Taylor, AICP, Planner II
FOR: Christine McLachlan, AICP, Planning Division Manager
SUBJECT: SU23-25 (Music Pavilion)
DATE: November 8, 2023

Docket SU23-25 (Music Pavilion)

The applicant requests Special Use Authorization for a music pavilion. The property is located on Newell Road at the former Turquoise Valley Golf and RV Park.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Bisbee Ventures One, LLC on behalf of Sunny Tempe Investments, LLC – Joseph Lewis
Location: 1794 W. Newell Street, Naco AZ
APN: 102-55-002
Parcel Size: 95 acres
Zoning: R-36 (Residential, one dwelling per 36,000 square feet)
Growth Area: C – Rural Community
Area Plan: Naco
Plan Designation: Business, Recreational Open Space
Existing Uses: Turquoise Valley Golf and RV Park, Lounge and Restaurant (not in use)
Proposed Uses: Music Pavilion, Ballroom with Kitchen and Bar

Surrounding Zoning and Uses

North	R-36, RU-4	Undeveloped
South	R-36, GB	Single family residential, RV park, undeveloped
East	R-36, SR-12	Undeveloped, single family residential
West	R-9, RU-4	Single family residential, undeveloped

II. SITE HISTORY

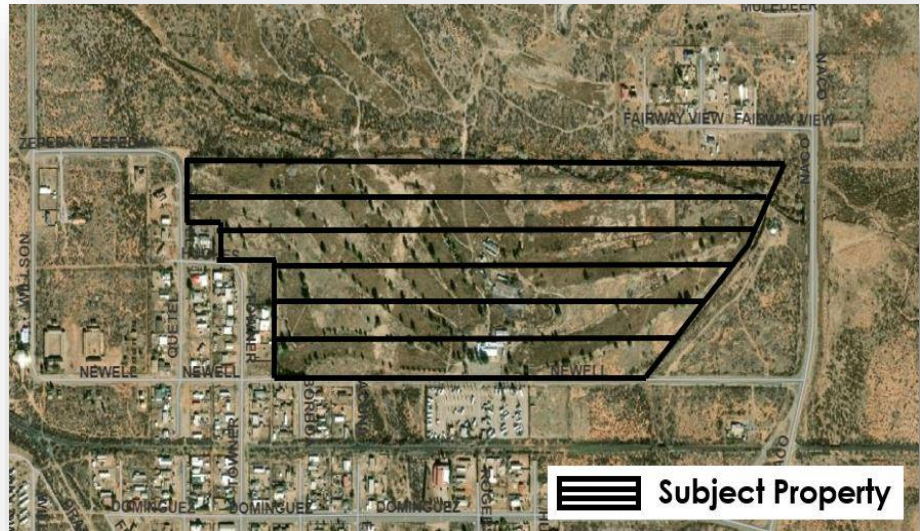
- Golf Course, Restaurant, Trailer Park/Campground (closed September 2018)

III. SPECIAL USE AUTHORIZATION REQUEST

The applicant requests Special Use Authorization approval for a music pavilion with ballroom facility, including kitchen and bar. The applicant proposes additional access from Newell Street for a new 450 space parking area with the improved access point approximately 1500' feet west of Naco Highway.

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 2.48.160 of the Zoning Regulations identifies 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, and to determine if conditions and/or modifications may be needed to mitigate potentially negative impacts on surrounding properties. With the information provided, nine (9) factors apply to this Special Use request with six (6) factors complying.



1. Compliance with Duly Adopted Plans: Partially Complies

The Naco Area Plan identifies two future land uses of the subject property, business (retail or service) and recreational open space. These designations were applied specifically to an existing use, as a golf course with clubhouse was operational at the time this Plan was adopted in 1998. The golf course also pre-dated 1975 implementation of county zoning regulations, being the longest continuing operated golf course in Arizona at the time of closing in September 2018. While the proposed music pavilion is consistent with Zoning Regulations definition of recreational facilities as a leisure time activity, a live entertainment venue with amplified music and outdoor lighting is more intense than the previous use and subsequent recreational open space designation as applied upon Plan adoption.

The existing restaurant building and former trailer park location immediately north retain a business land use designation. The golf course itself is designated recreational open space. The Plan stresses preservation of historic assets such as the original townsite and Camp Naco but also supports economic development through non-residential infill projects. The entirety of Naco’s developed area lies within ½ mile and several parcels with existing single-family residences abut the subject property.

2. Compliance with the Zoning District Purpose Section: Partially Complies

The property is zoned R-36, which is a residential zoning district with sub-categories ranging in minimum parcel sizes from 9000 SF to 36,000 SF. The district accommodates small to medium single-family residential development. The proposed Special Use does not comply with the purposes of the zoning district as currently identified in zoning regulations:

1. To provide an area for families living at a variety of low to medium densities.
2. To provide an area where single-household dwellings, rehabilitated mobile homes, and manufactured homes can co-exist.

Although the proposed Special Use does not comply with the zoning district purpose, the special use is permissible within the zoning district with Planning and Zoning Commission approval of a Special Use during a public hearing.

Permitted uses within the Residential District include both residential and non-residential uses:



Surrounding Zoning

- Single and multi-household dwellings.
- Mobile, manufactured, and recreation vehicle parks.
- Utility installations which may include substations, booster stations, water tanks, and communications towers.
- Churches or places of religious worship.
- Residential care homes (6 or fewer residents).
- Emergency vehicle stations.
- *Recreational facilities, indoor or outdoor.
- *Civic, social, fraternal, business associations.
- *Unlighted commercial riding stables, minimum 10 acres.
- Community gardens.

**as part of a platted residential development*

Recreational facilities are permissible in R-36 with approval of a Special Use Authorization. County zoning regulations defines recreational facilities as:

Recreational Facilities, Indoor and/or Outdoor: An area designed and equipped for active recreation, sports, or leisure time activities and other customary and similar activities for public or private use, including, but not limited to parks, baseball or softball diamonds, soccer and football fields, tennis courts, and roping and equestrian arenas. This does not include fairgrounds, amusement parks, zoos, outdoor firearms, skeet, archery or trap-shooting ranges, unlighted facilities which are accessory to a permitted principal use, or lighted roping arenas for private use which are allowed as accessory uses to a residential permitted principal use.

Zoning regulations do not contain a specific definition for “music pavilion.” However, recreational facilities are an appropriate equivalent. The zoning regulations do not place prohibitions on recreational uses relative to hours of operation, noise, lighting, or traffic generation. The proposed music pavilion will operate similarly to the prior use, independently of surrounding residential development.

3. Development Along Major Streets: Complies

The intent of this factor is to consider limitation on the number of access points on major thoroughfares, arterials, or collectors by using frontage roads, shared access, and no access easements. Incorporating such measures promotes fewer road cuts to avoid potentially unsafe traffic conflicts, hazardous traffic congestion, and roadway obstruction caused by traffic.

The applicant proposes one new driveway along Newell Street, approximately 1500' west of Naco Highway. Existing access is at the former restaurant building, slightly more than 2000' from Naco Highway. Given the property's 2560'



Newell Street, viewing east

frontage, a second access point to the property away from single family residential development is desirable to facilitate efficient traffic circulation. Newell Street (Rural Minor Collector) is accessible via Naco Highway (Commercial-Industrial Road) or Willson Road (Rural Major Collector) though the applicant anticipates most traffic will use Naco Highway when visiting the site. Event traffic should be discouraged from entering residential neighborhoods from Zepeda and Hughes Streets and Quetel and Towner Avenues.

4. Traffic Circulation Factors: Complies

This Special Use factor stipulates:

1. The Special Use Authorization request is consistent with the preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.
2. The Special Use Authorization request does not result in the use of any residential street for non-residential traffic.
3. Consideration of future circulation needs in the surrounding area has been considered through right-of-way dedication and off-site improvements if warranted.

The subject property has direct access to Newell Street, a minor collector road. Since the property lies north of most existing residential land uses, event traffic will utilize collector and commercial roads to access the site and not local streets within existing neighborhoods. Anticipated traffic does not appear to require off-site improvements or an over-intensification of existing roadway classifications. The applicant is required to comply with county right-of-way (ROW) standards which may include providing a traffic statement or analysis prior to the issuance of building and ROW permits.

5. Adequate Services and Infrastructure: Complies

The subject property has direct access from an existing, improved collector street (Newell Street). Naco Fire District Station #1 is located less than one mile south and San Jose Fire District Station #1 is located about 3.5 miles north of the subject property. The property owner should ensure the fire hydrant on the site remains operational. Water is available through a community system (Hearthstone Water), and Arizona Public Service and Southwest Gas provide electric and natural gas. There is also an outdoor obstacle course and parking. Waste disposal services will utilize a private provider and sewer/septic system is undetermined at this time.



Viewing west to proposed amphitheater location

6. Significant Site Development Standards: Complies

The County does not have site development standards specific to music pavilions. As a result, only site development standards that apply to a broad range of nonresidential uses, including bulk standards (setbacks, building height, lot coverage), parking, and landscaping. Development standards applicable to the project are found in Section 2.18 (Residential Zoning District) and 2.51 (Site Development Standards) of the Zoning Regulations. Given the presence of Flood Zone AE, Article 8 (Floodplain Regulations) may also apply.

<u>STANDARD</u>	<u>REQUIREMENT</u>	<u>SECTION</u>
Parcel Size	36,000 SF	2.18.040
Setback	20'	2.18.040
Building Height	30'/20' above grade (principal/accessory)	2.18.040
Site Coverage	65%	2.18.040
Building Separation	15'	2.18.040
Parking	-1 space/5 fixed seats or 1 space/5 persons at maximum capacity. -Head-in parking requires 9'X19' space size and 24' aisle width; angled parking requires 9'X19' space size and 18' aisle width. -Paved parking surface not required in Category C growth area. Applicant proposes gravel surface per Section 2.51.040.7.d. -Striping is not required. -Gravel parking surfaces must be designed to prevent water collection.	2.51.040
Landscaping	-Not required – site is in Category C growth area. -Staff recommends landscaping along Newell Street as a condition of approval.	2.51.040

7. Public Input: Complies

Section 2.48.160 of the Zoning Regulations states, "If public concerns have been raised, it is fair to ask if the applicant has made a reasonable effort to address these concerns through the Citizen Review Process." The applicant has efforted to proactively address citizen concerns relative to noise, lighting, and traffic. Measures include using topographical recesses and amphitheater direction to reduce noise and directional, ambient lighting

to limit spillover of lighting onto adjacent properties. Sound monitoring and metering is also proposed to reduce potential sound impacts on nearby residential properties.

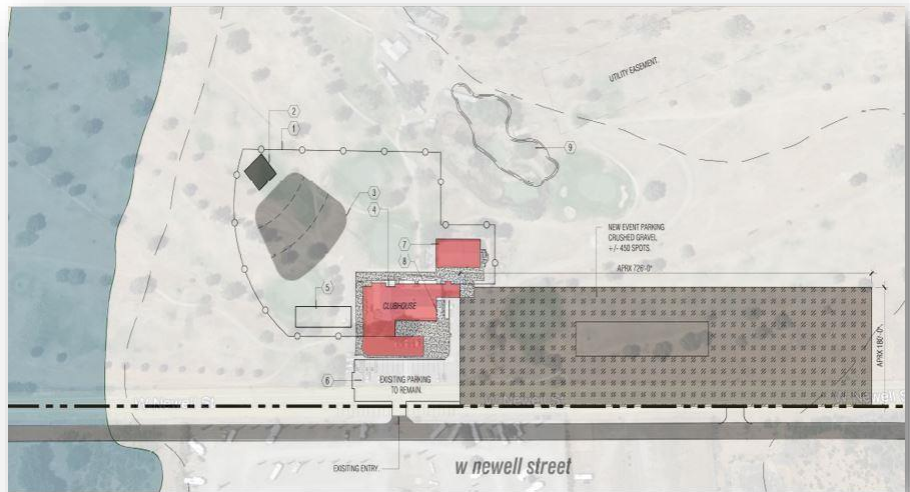
8. Hazardous Materials: Not Applicable

The applicant is not proposing the use or storage of hazardous materials.

9. Off-Site Impacts: Partially Complies

This factor is intended to ensure adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights, and/or stormwater run-off.

- **Noise:** Amphitheater design includes topographical recesses and building orientation away from residential properties. Building orientation is towards the existing building formerly used as a restaurant that will be remodeled and re-used as a ballroom facility. As the amphitheater is outdoor, it is likely sound intrusion onto nearby properties will not be completely mitigated.



- **Lighting:** Outdoor lighting is proposed for the amphitheater. Directional, ambient lighting is proposed, and new lighting is subject to Section 2.45 of the Zoning Regulations. Like noise, it is unlikely light intrusion onto adjacent properties will be completely mitigated. New signage, with or without lighting, is subject to Section 2.54.

- **Parking:** Indoor and outdoor recreational facilities are required to provide one space for every five fixed seats or one space for every five persons at maximum capacity if seating is unfixed per Section 2.51.040 of the Zoning Regulations. As the property is located within Growth Area C, future parking areas may be improved with two-inch thick gravel as proposed by the applicant. The parking area must be properly drained to prevent collection of surface water.

- **Landscaping:** Landscaping installation and maintenance is not required for uses within Growth Areas C and D. However, Staff recommends landscaping along Newell Street to buffer both sound and light impacts on residents to the south. Additionally, the applicant does not propose to clear existing vegetation, which may also be beneficial in reducing sound and light.

10. Water Conservation: Complies

The proposed project will comply with county-wide water conservation requirements as well as applicable provisions specific to properties within the Sierra Vista Sub-Watershed. Consequently, future development must comply with the applicable provisions of Section 2.51.170 of the Zoning Regulations. Applicable provisions include:

- Landscaping improvements must include plants and groundcover contained in the county approved landscape plant list. The applicant stated in the special use application this requirement will be met.

- Misters are not allowed for commercial or industrial developments.
- New artificial water features such as ponds and lakes and other decorative water features are prohibited with new nonresidential development unless their sole source is harvested rainwater or they functionally service other allowable uses.

V. PUBLIC COMMENT

Per Section 2.63.030 of the Zoning Regulations, the applicant notified property owners within 300' of the proposed Special Use on September 14, 2023. The applicant did not receive opposition. Staff published legal notice in the Herald/Review and mailed notices to property owners within 300' of the subject property on October 18, 2023. Staff posted the property on October 10, 2023, and has received three written responses in opposition, one in support, and one in-person office visit expressing concerns about adequate services and infrastructure. Written opposition specifically identifies noise and traffic as concerns.

VI. WAIVERS

None requested.

VII. SUMMARY AND CONCLUSION

The special use authorization requests allowing a music pavilion with ballroom, kitchen, and bar at the site of the former Turquoise Valley Golf and RV Park, Lounge and Restaurant.

Factors in Favor of Approval

1. The project fully complies with six Special Use Authorization criteria.
2. Potentially beneficial infill project that adaptively reuses an unused or under-utilized property.

Factors Against Approval

1. Partial compliance with Naco Area Plan, zoning district purpose.
2. Potential off-site impacts from noise, lighting, and increased traffic.

VII. RECOMMENDATION

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

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 substantial conformance with the approved special use concept plan, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 12-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 will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.
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4. A 15' landscape buffer shall be installed along Newell Street in front of the project area.
5. Outdoor music shall end no later than 10:00pm Monday through Thursday, midnight Friday and Saturday, and 8:00pm Sunday.

Sample Motion

I move to approve Docket SU23-25 (Music Pavilion) with Conditions of Approval recommended by staff, the Factors of Approval constituting Findings of Fact.
