

Docket SU-09-08A

Appeal of a Special Use Modification Denial
by the Planning and Zoning Commission

Cochise County Board of Supervisors

January 4, 2011



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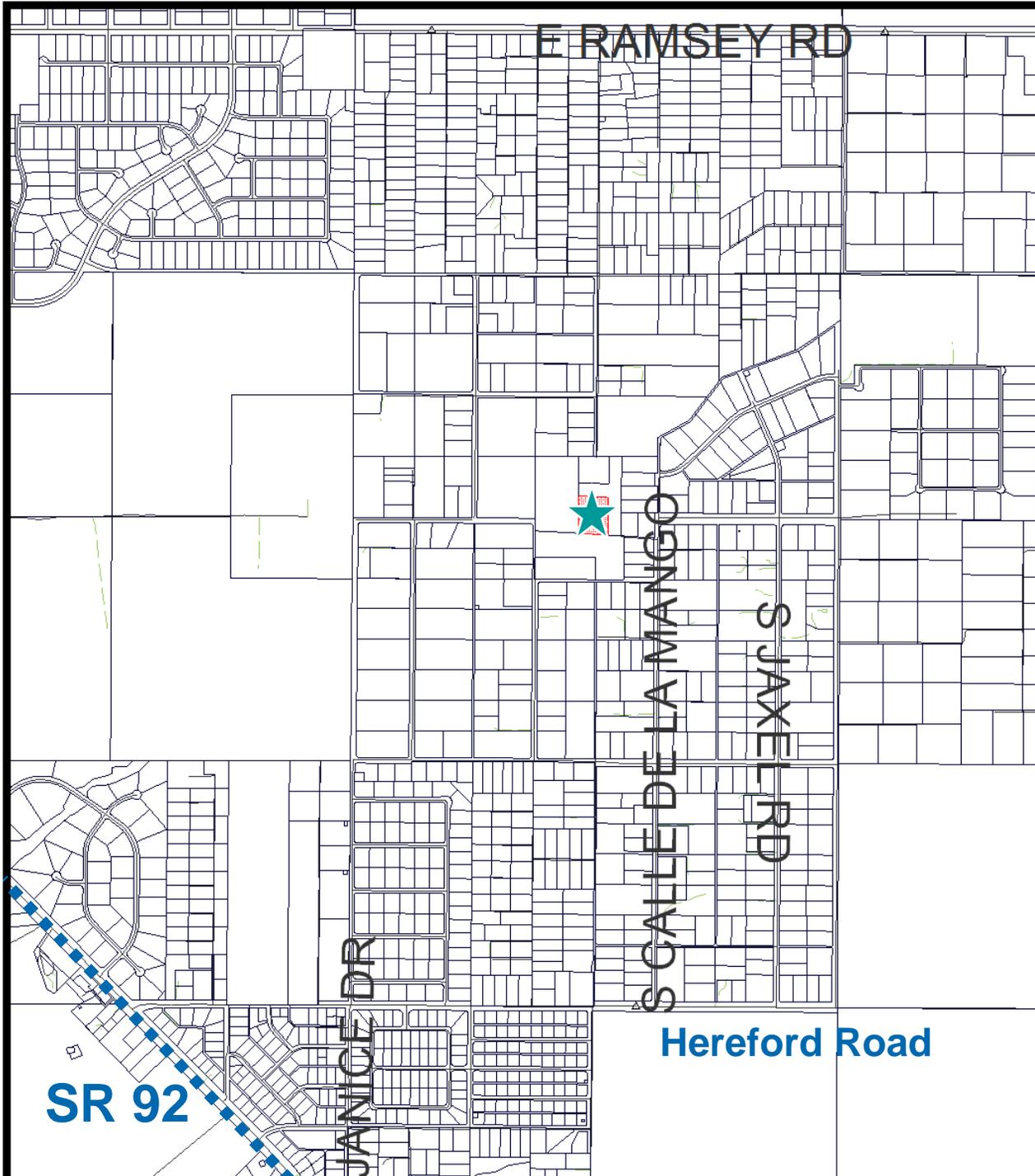
- The Applicant, Elder Care for Life, currently operates a Residential Care Institution on the property (Windmill Ranch), as allowed by Special Use pursuant to Section 707.06 of the Zoning Regulations.
- The Planning and Zoning Commission authorized the Special Use in March of 2009, with approval conditions requiring the Applicant to direct associated traffic to Calle de Naranja, a County-maintained road West of the property.
- In November of 2010, the Applicant sought a Special Use Modification, to have these approval conditions removed from the Special Use and allow traffic to access Calle de Mango, a County-maintained road East of the property.



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- The Commission denied the request, and the Applicant now appeals the ruling to the Board of Supervisors.
- The subject parcel (Parcel # 104-02-006F) is located at 5605 E Labrador Lane in Hereford, AZ.
- The Applicant is Nathan Yarborough of Elder Care for Life.





Location Map

The Subject Property is approximately one mile North of Hereford Road.

Nature of Request

The Applicant asked the Commission to remove the following approval conditions from SU-09-08:

- A. Require all traffic accessing the site to use the Calle de la Naranja route;
- B. Post a sign at the property line along Labrador Lane, instructing visitors to use the Calle de la Naranja route; and
- C. Inform employees, delivery drivers, and residents' family members in writing to access the site through the Calle de la Naranja route.





Calle de Naranja and Calle de Mango are both County-maintained; Labrador Lane is a private easement.



Site Photos



North along Calle de la Naranja just before it turns to Labrador Lane.



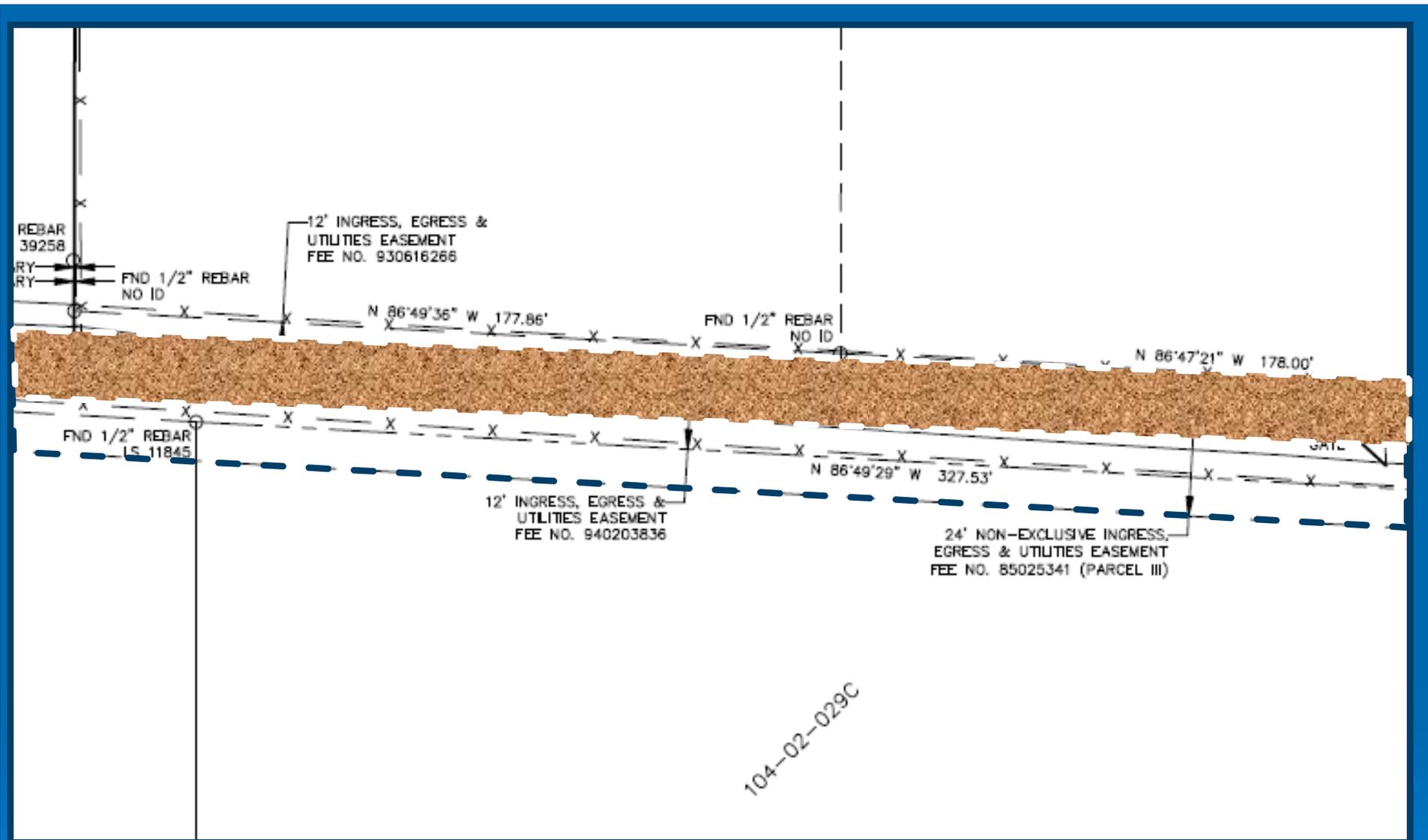
Southwest view of the bend at Calle de la Naranja and Labrador Lane.



Close-up of damage to the roadway at the bend.



Westward view along Labrador Lane, as seen from Calle de la Mango, prior to the 2009 Special Use hearing.



- Survey Map detailing the location of the Labrador Lane travelway relative to the easement location.





Looking West along Labrador Lane, December 2010.

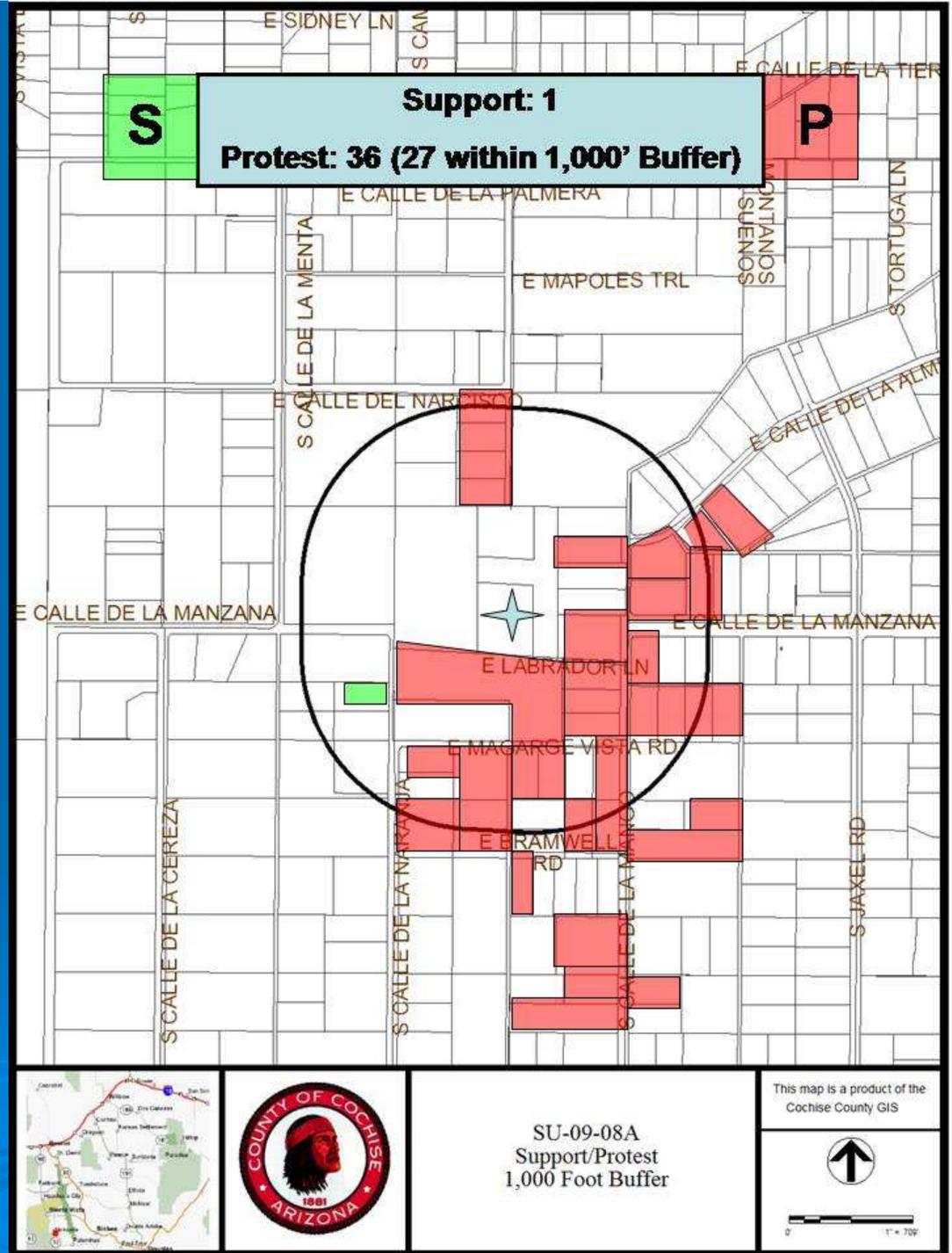


Close-up of the new fence and trenches dug across Labrador Lane.

Support and Protest

Staff received significant opposition from neighbors regarding the request, most in the form of protest letters signed by residents, as well as a petition circulated through the neighborhood.

Neighbor concerns included traffic, safety, and a perceived diminution of the residential character of the neighborhood.



Factors in Favor of Granting the Appeal

1. Emergency Services providers including ambulance, fire and mortuary services expressed support in writing for the Special Use Modification request.
2. One neighbor, along Calle de la Naranja, expressed support for the Modification request.



Factor Against Approval

1. The Department received statements of opposition to the Modification request from 36 neighbors, 27 of which are within the 1,000 foot notification buffer.
2. At their regular meeting of November 10, 2010, the Planning and Zoning Commission voted unanimously (7 – 0) to deny the request.





Calle Naranja

Labrador Lane

Calle de Mango

E MASARGE VISTA RD



Recommendation

Based on the factors in favor of approval, staff recommends that the Board grant the Appeal.

