



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-9278

APPLICATION TO AMEND THE COCHISE COUNTY COMPREHENSIVE PLAN

Applicant Name: Madera Realty + Mortgage Defined Benefit Pension Plan

Mail Address: 5956 E. Pima St #100 Tucson, AZ 85712

Email Address: bill@madera.com

Phone Number(s): 520 325 2607 x12 / 520 2410969

Parcel Number(s): 106-19-018

Parcel Address(es): N.E. corner I-90 + Hamel Rd
Whetstone

Date 6/4/12 Fee Paid: Yes No (Payable to Cochise County Treasurer)
(Application will not be processed until fee is paid)

FILL OUT THE REMAINDER OF THE APPLICATION - BE AS COMPLETE AS POSSIBLE - ATTACH ADDITIONAL SHEETS IF NECESSARY

1. Plan Amendments Proposed - If you seek a rezoning, it may require amendments to both the Cochise County Comprehensive Plan Growth Area Categories and Land Use Designations. It is advisable to work with a Planning Department staff planner to decide the necessary amendment (s).

a) Growth Area Amendment

Existing Growth Area Category B

Proposed Growth Area Category B

b) Land Use Designation Amendment

Existing Designation Neighborhood Conservation

Proposed Designation Developing

c) Existing Zoning TR-36 Proposed Zoning GB

"Public Programs, Personal Service"

www.cochise.az.gov

STAFF USE ONLY

Is Growth Area/Plan Designation Compatible with proposed Zoning?

Yes No

2. Describe the location and boundaries of the proposed Plan Amendment(s). A rezoning request may only affect one parcel. Plan amendments, however, raise larger issues such as whether or not current or future growth patterns in an area are different than those indicated by the existing Growth Category and Designation. For this reason a plan amendment may involve evaluating a larger area than a specific site for a rezoning. If this is the case, the planner may request that the Plan amendment boundaries be expanded.

A. Major Street and Street Intersections: SR 90 and Hamel Rd
Northeast corner

- B. Attach a map showing the boundaries of the proposed Amendment; label streets and other important landmarks such as Township, Range and Section lines.

Map Attached: Yes No

3. Explain the reason that the proposed Plan amendment is justified. Growth Areas and

Plan Designations are designed to give a measure of protection to the existing character of an area; for example, requiring that only residential uses and densities or neighborhood-oriented businesses develop in existing neighborhoods. To justify an amendment, it is important to cite specific examples of existing or future growth that do not fit with the pattern of growth implied by the existing Growth Area or Designation or to demonstrate that proposed new development is large enough to warrant a new Growth Area.

This parcel borders a GB zone to the north.
466 feet of frontage on SR-90
3-Phase power on site.

There are no GB zoned or similar zones
in the immediate area to attract commercial users.

Applicant Signature: William Martin Trustee

Property Owner Signature (if not the Applicant): _____

Print Property Owner Name: William Martin

Date of signature of property owner: 6/5/12

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COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Department
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: William Martin Trustee, Madera Realty + Mortgage DBPP

2. Mailing Address: 5956 E. Pima St #100
Tucson, AZ 85712
City State Zip Code

3. Telephone Number of Applicant: (520) 325 2607 x12

4. Telephone Number of Contact Person if Different: (520) 241 0969 Mobile

5. Email Address: billm@madera.com

6. Assessor's Tax Parcel Number: 106 - 19 - 018 (Can be obtained from your County property tax statement)
3.7Ac. A portion of this tax code parcel See Map

7. Applicant is (check one):

- Sole owner: X
- Joint Owner: _____ (See number 8)
- Designated Agent of Owner: _____
- If not one of the above, explain interest in rezoning: _____

7. If applicant is not sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:

- List attached (if applicable): NA

8. If applicant is not sole owner, indicate which **notarized** proof of agency is attached:

- If corporation, corporate resolution designating applicant to act as agent: _____
- If partnership, written authorization from partner: _____
- If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:
- Copy of deed of ownership: _____
 - Copy of title report: _____
 - Copy of tax notice: _____
 - Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?
▪ Yes _____ No

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes _____ No
▪ If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: TR36

14. Indicate proposed Zoning District for Property: NB

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: B (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: _____ (A County planner can provide this information.) Neighborhood Conservation.

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: None

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. You may want to attach a site plan: _____

There is no development plan.

19. Are there any deed restrictions or private covenants in effect for this property?

- No Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____

- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?
E. Hamel Rd. direct access to site.

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning?
NA.

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning?
Subject to development plan.

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Whetstone Water	Available at lot line
Sewer/Septic	Septic	to be installed by user
Electricity	Sulphur Springs Electric	At lot line includes 3 phase power
Natural Gas	No	None
Telephone	Cox	At lot line
Fire Protection	Whetstone Fire	1 Block away. New service agreement w/ user.

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed).
See Attachment.

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: Will H. Trustee Madera Realty
Date: May 22, 2012 + Mortgage DBPP.



COMMUNITY DEVELOPMENT DEPARTMENT

Planning, Zoning and Building Safety
1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240
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Carlos de la Torre, P.E. Community Development Director

MEMORANDUM

TO: Keith Dennis, Senior Planner

FROM: Karen L. Lamberton, County Transportation Planner

SUBJECT: Martin Re-Zoning//Z-12-05//CP-12-01

DATE: July 11, 2012

The applicant is applying for a rezoning of from TR-36 to General Business within an area currently in the Comprehensive Plan as a Neighborhood Conservation designation. The applicant is also proposing a change of this designation to "Developing" with a possible future intention of offering this parcel to a commercial tenant or developer. No specific use has been proposed at this time.

Access is taken from Highway 90, then to Hamel Rd., a county-maintained primitive roadway with 60 feet of dedicated Right-of-Way in the Whetstone area.

Recommendation

Land use changes do not, in and of themselves, change traffic patterns; however, they do create conditions for future transportation impacts. This re-zoning seeks to change the character of the area from neighborhood scaled development to a higher intensity commercial use without giving any indication of what level that future commercial use might be. The range of traffic impact vary widely and the applicant may be required to address future traffic impacts with the submittal of a formal Traffic Impact Analysis that meet with both State and County approval along with any appropriate mitigation that might then be needed appropriate to the final site development plans.

The applicant is further advised that commercial scaled traffic may require mitigation on the adjacent state highway 90 that may include turning lanes, raised medians, acceleration and/or deceleration lanes. Mitigation may also be needed on the recommended access point on Hamel Rd., currently a primitive road. There are very few commercial uses for which a primitive road access is appropriate and it is likely that bringing that portion of Hamel Rd. up to County design standards for an access roadway may be needed.

As the applicant has not provided any specific type of commercial use a traffic analysis and comparison to currently approved land uses cannot be made. That being the case we can offer not specific recommendation for or against the proposed re-zoning.

cc: Docket Z-12-05/CP-12-01

William Martin, Trustee
Madera Realty and Mortgage
Defined Benefit and Pension Plan
5956 E. Pima Street suite 100
Tucson, AZ 85712
520-325-2607 ext 12
billm@madera.com

Re: Citizens Review Rezoning and Plan Designation Amendment
Parcel #106-19-018, I-90 and Hamel Rd

Dear Neighbor:

Thank you for taking the time to review my re-zoning application again. I am sorry for any inconvenience I may have caused you. I have good reason for this request and change.

After further review of the **Neighborhood Business (NB)** zoning, I realized that the zoning is too restrictive for potential commercial users as it limits the building size on my 3.7 acre parcel to 2,500 s.f. as defined under sections 1102.10, 1102.11, 1102.04, 1102.19, and 1102.13 of the NB zoning code (see below). A 2,500 s.f. building on a 161,172 s.f. parcel severely limits its highest and best use as it provides site coverage of only 1.6%. The following is an excerpt from the current NB zoning code describing the maximum building sizes.

1102.04: Day care establishments, not to exceed 2,500 square feet of floor area.

1102.10: Personal and Professional services, not to exceed 2,500 square feet of floor area.

1102.11: Indoor and outdoor recreational facilities, not to exceed 2,500 square feet of floor or recreation area.

1102.12: Retail sales of merchandise, not to exceed 2,500 square feet of floor area. May include on-site manufacturing incidental and accessory to the sale of goods such as but not limited to baked goods.

1102.13: Restaurants, bars, taverns and nightclubs, not to exceed 2,500 square feet of floor area.

1102.19: Repair Services, light,, not to exceed 2,500 square feet of floor area.

In my opinion, the limited building size limits are not reflective of today's building size requirements and development standards for many users. Therefore, I am resubmitting my rezoning application to Cochise County for a **Plan Designation Amendment from Neighborhood Conservation (NC) to Developing (DEV)**. Under the **DEV** plan designation, I am able to request a **General Business (GB)** re-zoning classification. I have attached for your review the GB zoning description. My parcel is currently zoned **TR-36**. The county's plan designations are as follows.

Plan Designation	Permitted Zoning Districts
Neighborhood Conservation (NC)	R-36, R-18, R-9, NB, SM-36, SM-18, SM-9, SR-43, SR-22, SR-12, SR-8, MR-1, MR-2
Enterprise (ENT)	NB, GB, LI, HI
Developing (DEV)	RU-2, R RU-2, R-36, R-18, R-9, SM-87, SM-36, SM-18, SM-9, SR-87, SR-43, SR-22, SR-12, SR-8, MR-1, MR-2, NB, GB, LI, HI
Neighborhood Rehabilitation (NR)	Same as NC
Enterprise Redevelopment (ER)	Same as ENT
Rural Residential (RR)	RU-36, RU-18, RU-10, RU-4, RU-2, SM-36 Acres, SM-18 Acres, SM-10 Acres, SM-174, SM-87, SR-36 Acres, SR-18 Acres, SR-10 Acres, SR-174, SR-87
Rural (R)	RU-36, RU-18, RU-10, RU-4, RU-2, SM-36 Acres, SM-18 Acres, SM-10 acres, SM-174, SM-87, SR-36 Acres, SR-18 Acres, SR-10 Acres, SR-174, SR-87, HI

The adjoining parcel north of my property is zoned GB despite it being in the NC plan designation. Also, directly across the highway to the south, there is a GB zone. There are no 3 phase power lines across the highway to serve that GB zoned parcel. My parcel has 3 phase power on the property for commercial users. 3 phase power is a requirements for all commercial users

My request is simply a plan designation plan to secure the GB zoning. I have no development plans. I am marketing the parcel to commercial users.

I would appreciate your support in this designated plan and re-zoning change as I believe it will be beneficial to the local community of Whetstone. Please contact me to discuss your concerns, questions, objections and support.

Thank you

Sincerely,

William Martin, Trustee

Cc: Keith Dennis, Cochise County Planning and Zoning

Attachments A, B and C

Turisk, Mike

From: Bill Martin [billm@madera.com]
Sent: Tuesday, July 24, 2012 11:01 AM
To: Turisk, Mike
Subject: Whetstone comp plan change and rezoning
Attachments: whetstonechurchofchristletter.pdf; letterofsupportfromschlosser.pdf

Mike:

Thank you for taking my call today. I am available to discuss any aspect of this request. I plan on attending the meetings on 8/8 and 8/28.

The following are people who have contacted me by phone or in writing concerning the comp plan and zoning change.

1. Festus Kahn owner of the 2.8 acre parcel to the north that is currently zoned GB called me to voice his support with the rezoning and will cooperate with me in the marketing of both properties together. The highway going south has left hand turn at his property. (520) 456-2755
2. Constance Schlosser letter see attached.
3. A letter of support from the Church of Christ minister Scott Dalrymple.
4. Mr. Pietro called me on May 8, 2012 after I sent out the first letter to neighbors. He said business is needed in Whetstone.

I have not received any negative comments from neighbors about my request.

The retirement plan has been owner this property for the past 15 years. The plan cannot develop property. During the ownership tenure, I have had many suitors who found their use of the property to conflict with the current zoning. They were not inclined to go through the re-zoning process due to timing and uncertainty. This rezoning will initiate interest from commercial users again.

Thank you. Bill Martin

William Martin
Madera Financial
5956 E. Pima Street suite 100
Tucson, AZ 85712
(O)520-325-2607 ext 12
(F)520-325-5054
(M)520-241-0969

12 June 10, 2012

William Martin, Trustee
Madera Realty and Mortgage
5956 E. Pima Street, Ste. 100
Tucson, AZ 85712

RE: Citizens Review Rezoning and Plan Designation Amendment Parcel #106-19-018, I-90 and
Hamel Rd.

Dear Mr. Martin,

The Whetstone Church of Christ is not opposed to your request for a **General Business** re-zoning
classification.

Sincerely,



Scott Dalrymple
Minister, Whetstone Church of Christ
PO Box 4885
Huachuca City, AZ 85616

PO Box 4206
Huachuca City, AZ
85614
May 21, 2012

Dear Mr. Martin,

I lived on Harnel Road from 1967 until I sold in 2004. During that entire time that parcel along 90 has been for sale. I hope your plans work out. It will be good to see something other than brush and grass in that area.

Sincerely,

Constance Schlosser

**COMPREHENSIVE PLAN AMENDMENT/REZONING:
Docket CP-12-01/Z-12-05 (Martin)**

 YES, I SUPPORT THIS REQUEST

Please state your reasons: We CAN use all the businesses we CAN get, both for the Tax AND for the employment.

 NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: _____

(Attach additional sheets, if necessary)

PRINT NAME(S): James Demuth _____

SIGNATURE(S): James Demuth _____

YOUR TAX PARCEL NUMBER: 10616034 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS 2424 Calle Segundo H.C. 85616

Upon submission of this form or any other correspondence, it becomes part of the public record and is available for review by the Applicant or other members of the public. **Written comments must be received by our Department no later than 4 PM on Monday, July 30, 2012 if you wish the Commission to consider them before the meeting. We cannot make exceptions to this deadline; however, if you miss the written comment deadline you may still make a statement at the public hearing listed above. NOTE: Please do not ask the Commissioners to accept written comments or petitions at the meeting, as they do not have sufficient time to read materials at that time. Your cooperation is greatly appreciated.**

RETURN TO: Michael Turisk, Planning Manager
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: mturisk@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY

JUL 20 2012

PLANNING

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COMPREHENSIVE PLAN AMENDMENT/REZONING:
Docket CP-12-01/Z-12-05 (Martin)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

[Handwritten lines are crossed out with diagonal slashes.]

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

We in Whetstone do not want any of those commercials' Delevada's coming in and changing our land, into a housing developpe messing up our Country living Area. Leave it the way. We all agreed to in the first place. Do not change any thing, leave it like it is. Do not change any thing.

(Attach additional sheets, if necessary)

PRINT NAME(S):

BEVERLY A. BACKES WARREN J. BACKES Sr

SIGNATURE(S):

Beverly A. Backes Warren J. Backes Sr

YOUR TAX PARCEL NUMBER:

10604029

(the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS

*2387 N. Calle Visita, Huachuca City, AZ
PO Box 313 - Powell, AZ 85626*

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COCHISE COUNTY

JUL 30 2012

PLANNING

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**COMPREHENSIVE PLAN AMENDMENT/REZONING:
Docket CP-12-01/Z-12-05 (Martin)**

 YES, I SUPPORT THIS REQUEST

Please state your reasons: _____

~~_____

_____~~

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons: This is an Residential Area
We in Wicketstone, dont want any of
those Commercial Developers coming
in and changing our land into a
Housing developer messing up our
Countryside living area.

(Attach additional sheets, if necessary)

PRINT NAME(S):

WARREN J. BACKES

BEVERLY A. BACKES

SIGNATURE(S):

Warren J Backes Sr

Beverly A. Backes

YOUR TAX PARCEL NUMBER: 10604029 (the eight-digit identification number found on the tax statement from the Assessor's Office)

YOUR ADDRESS

2387 N Calle Vista Huachuca City, Az
P.O. Box 313 - Pomeroy, Ia 75153

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RETURN TO: Michael Turisk, Planning Manager
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603
Email: mturisk@cochise.az.gov
Fax: (520) 432-9278

COCHISE COUNTY

JUL 30 2012

PLANNING

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Turisk, Mike

From: Curt McMillan [miscel2@hotmail.com]
Sent: Saturday, July 28, 2012 10:42 AM
To: Turisk, Mike
Subject: Docket Z-12-05/CP-12-01 (Martin)

We are property owners on Parcel #106-19-32F 7 Roll Number: 0024808. We would object to re-zoning of parcel 106-19-018 to General Business. The area surrounding this parcel on the east side of Hwy. 90 is residential. Going north on Hwy 90 is businesses that consist mainly of junkyards, car repair shops, storage facilities, etc. Some of these commercial properties are empty and have had no leases and in addition, there is commercial property for sale on the west side of Hwy 90. We don't believe that just because there is acreage in an area that is not built up, that commercial properties should be allowed to build in a residential section. This will do nothing but devalue our property. The lot lines of this property adjoins our property. Having a marijuana field, auto shop, storage facilities or any other General Business facility will directly impact us. Most commercial property in this area is not abutted against someone's residential property and this is not the place to do this. The area should stay zoned as residential as that is what the majority of this area is around the property.

Curt and Terri McMillan
71 E. Hamel Road
Whetstone, AZ 85616