



Docket SUA-13-07 (Van Wart Appeal)

Appeal of Commission Approval of
Docket SU-13-07 (Van Wart)

Board of Supervisors
7.23.2013



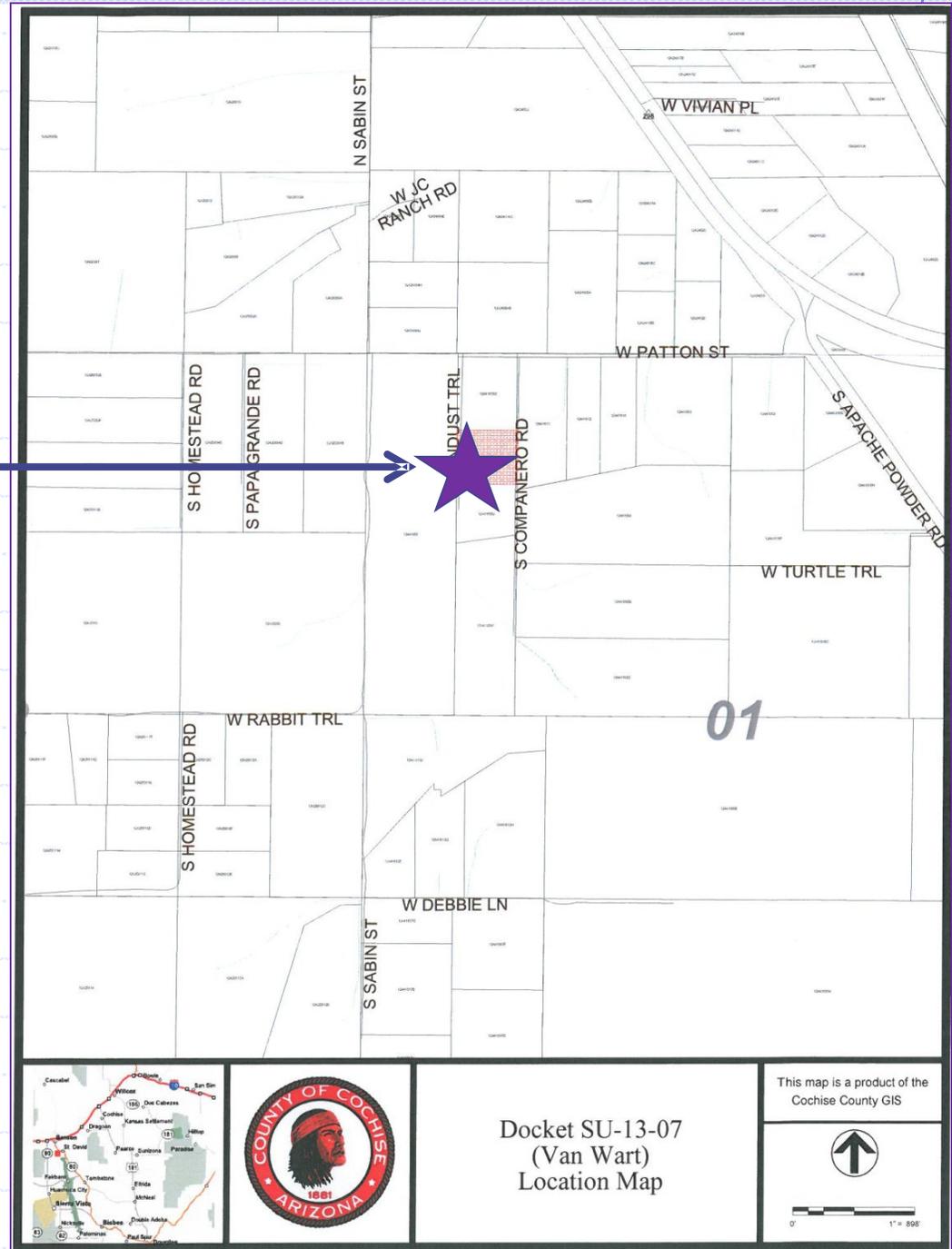
SUA-13-07 (Van Wart Appeal)

1. Commission approved Docket SU-13-07 on May 15, 2013 (on a 4 – 3 Vote).
2. The subject parcel is located at 144 S. Sundust Trail in St. David.
3. Appellants are Cochise Citizens for Fair Zoning, represented by Stuart Kershner.
4. Request was to legitimize existing portable restroom and septic service business on property. Up to 25-units and 3-pump trucks are stored on site. A septic tank used for temporary storage and transfer of sewage has been installed.



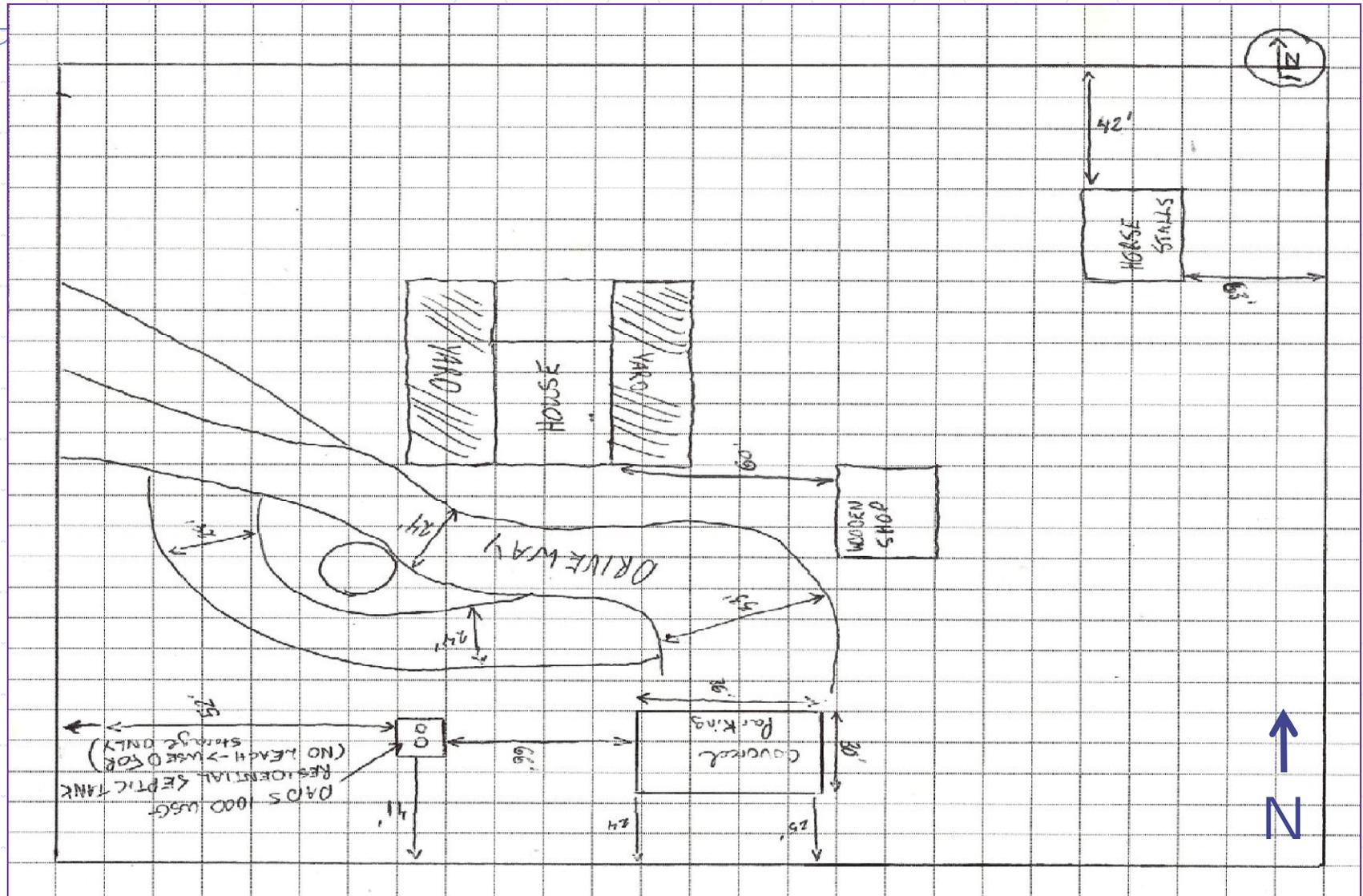
Location

The property is ½-mile West of Hwy 80, via Patton Rd. in St. David.





Concept Plan



Site Photos



View to the south showing vehicle and restroom storage area. Note gravel surface for truck travel.

Site Photos



Pump trucks used in the operation.

Site Photos



Sundust Trail looking North towards Patton Rd.



Entrance to the Patton Road travelway.



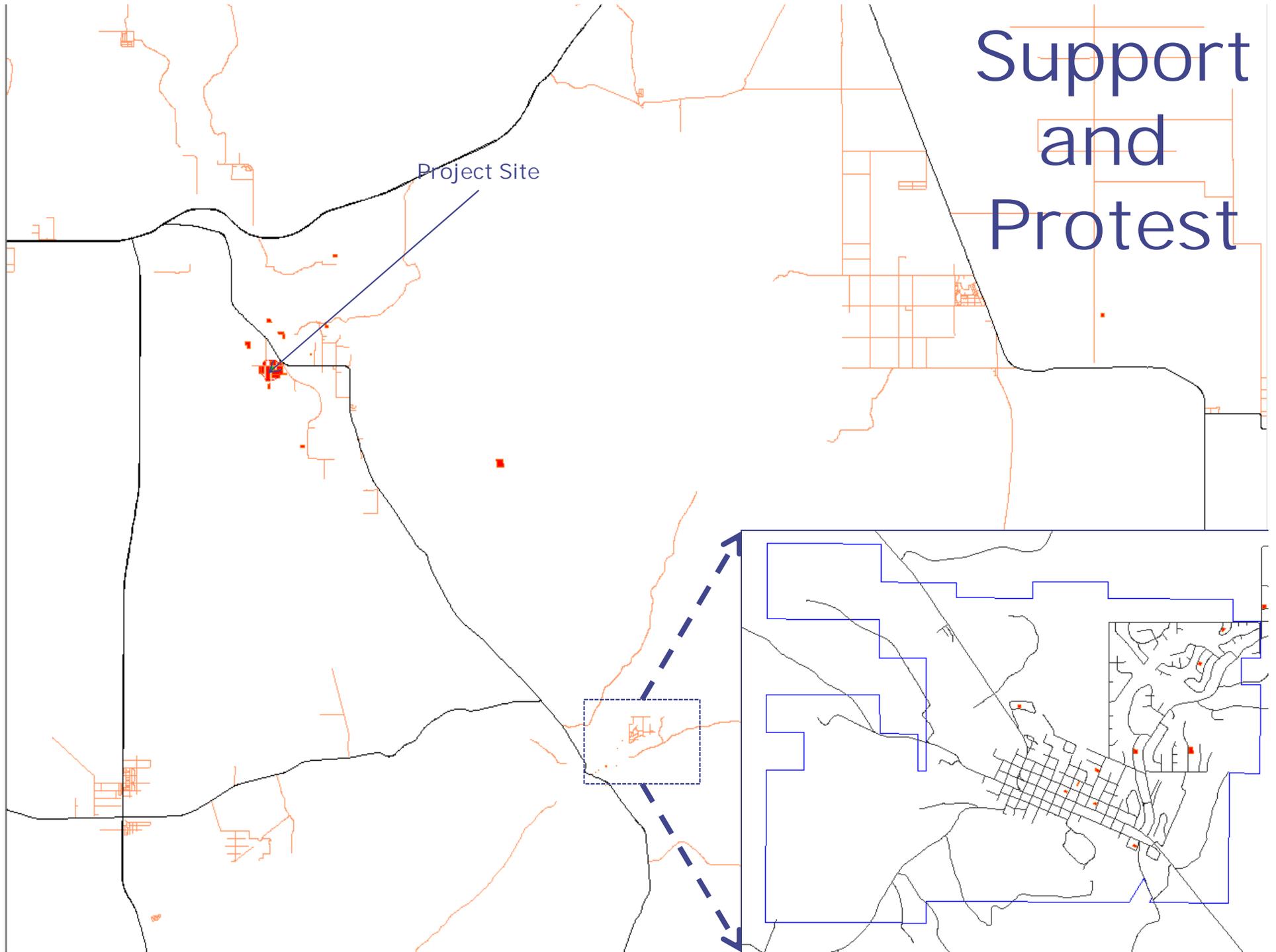
Modification

1. The Applicant was granted a Modification to the required 40-ft. setback for Special Uses in the Rural District.

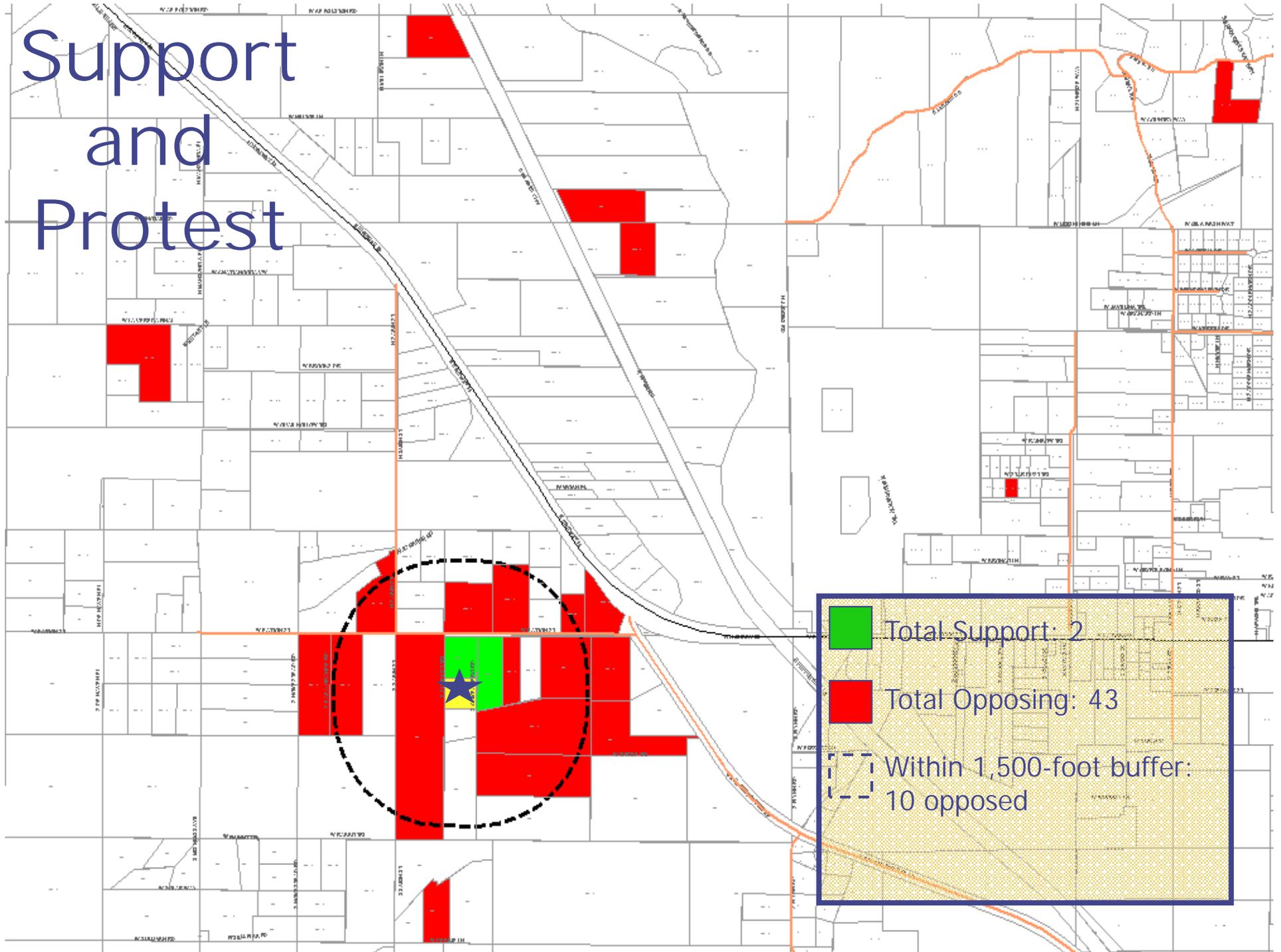


South view of the septic tank which is installed 25-feet from the property line. The parking structure is also 25-feet from the southern property line.

Support and Protest



Support and Protest





Factors in Favor of Approval

1. With the Conditions of Approval recommended by staff, the request complies with the eight applicable Special Use factors used by staff to analyze such requests;
2. The St. David Area Plan supports, in its Vision Statements and Policies, locally-owned businesses that serve the local area;
3. Off-site impacts can be effectively mitigated with the Conditions of Approval recommended by Staff;
4. Within the 1,500-foot buffer, two neighbors support the Special Use request; and
5. On a 4 – 3 vote, the Planning Commission voted to approve Docket SU-13-07.



Factors Against Approval

1. The Applicant established the land use without a permit; the Special Use request is intended to rectify a violation;
2. Although the St. David Area Plan supports Special Uses that serve the local residents, such uses are encouraged in Neighborhood Business Districts, or areas with a Neighborhood Conservation designation, not in Rural Residential Areas as in this case; and
3. The Appellants have submitted a petition with 50 signatures for residents inside and outside the 1,500-foot notification area opposing the Special Use.



Recommendation: Uphold Commission Approval with Conditions and Deny this Appeal

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 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, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;



Recommendation (Contd.)

2. As part of the commercial permit process, the Applicant shall obtain a right-of-way permit for installation of a commercial apron at the Patton Road access;
3. There shall be no on-site washing or rinsing of portable restroom units on the property;
4. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
5. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission; and



Recommendation (Contd.)

6. All portable restroom units and commercial vehicles shall be screened with a minimum six-foot high, opaque screening device, per the standards set forth in Section 1805 of the Zoning Regulations.