



Docket SUA-13-13 (AIRES Appeal)

Appeal of Commission Denial of
Docket SU-13-13 (AIRES)

Board of Supervisors
October 22, 2013



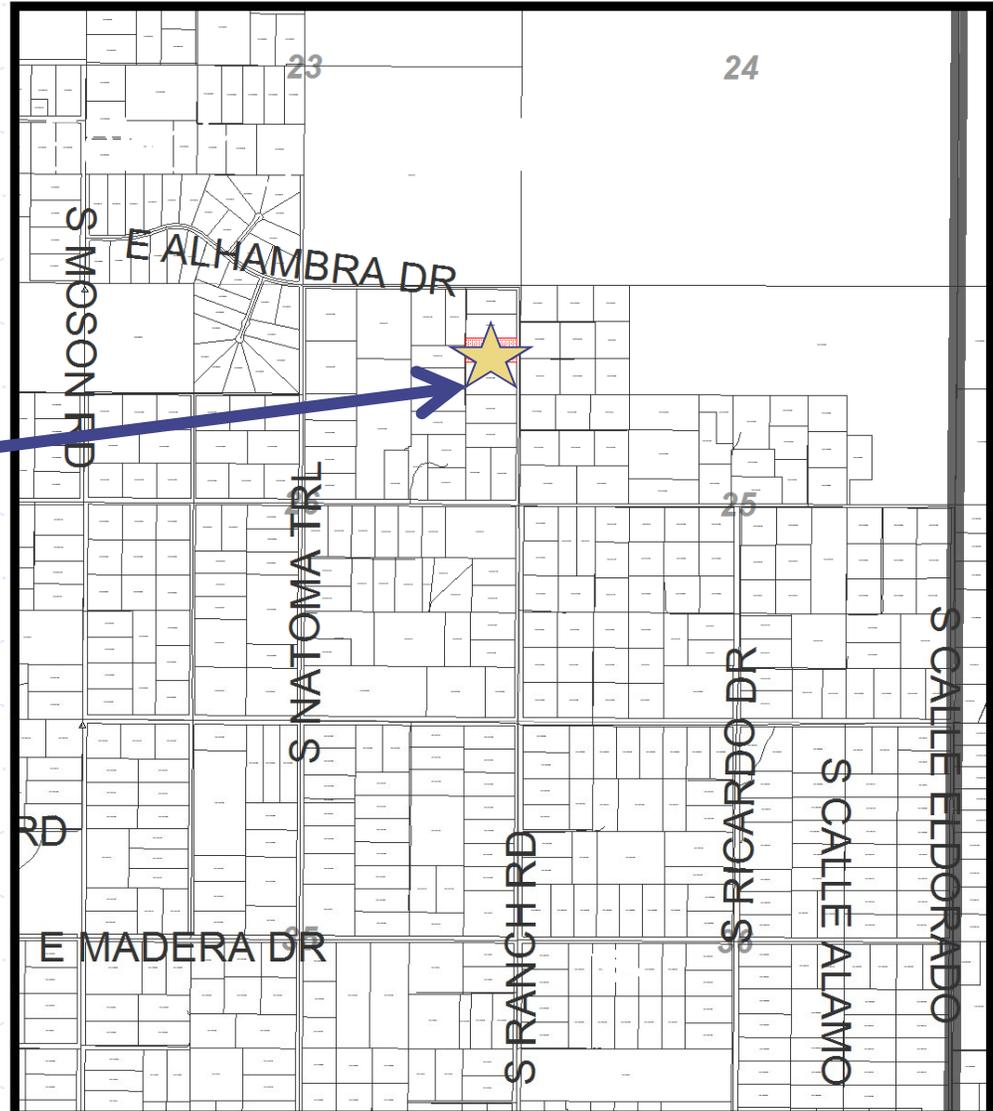
Docket SU-13-13 (AIRES)

- AIRES, LLC has filed an Appeal against a decision made by the Cochise County Planning and Zoning Commission on Wednesday, September 11, 2013.
- On an 8 – 0 vote, the Commission denied AIRES' request for Special Use authorization to legitimize an existing Day Care Establishment in unincorporated Sierra Vista.
- The proposed business includes provisions for up to 20 adults and up to 15 children, and 12 to 15 employees.
- The subject Parcel (107-62-018J) is located at 4100 Ranch Road in Sierra Vista, AZ.
- The Appellant is Arizona Integrated Residential & Education Services (AIRES, LLC), represented by Diane Logan.



Location

The property is located on Ranch Road, east of Moson Road in unincorporated Sierra Vista.

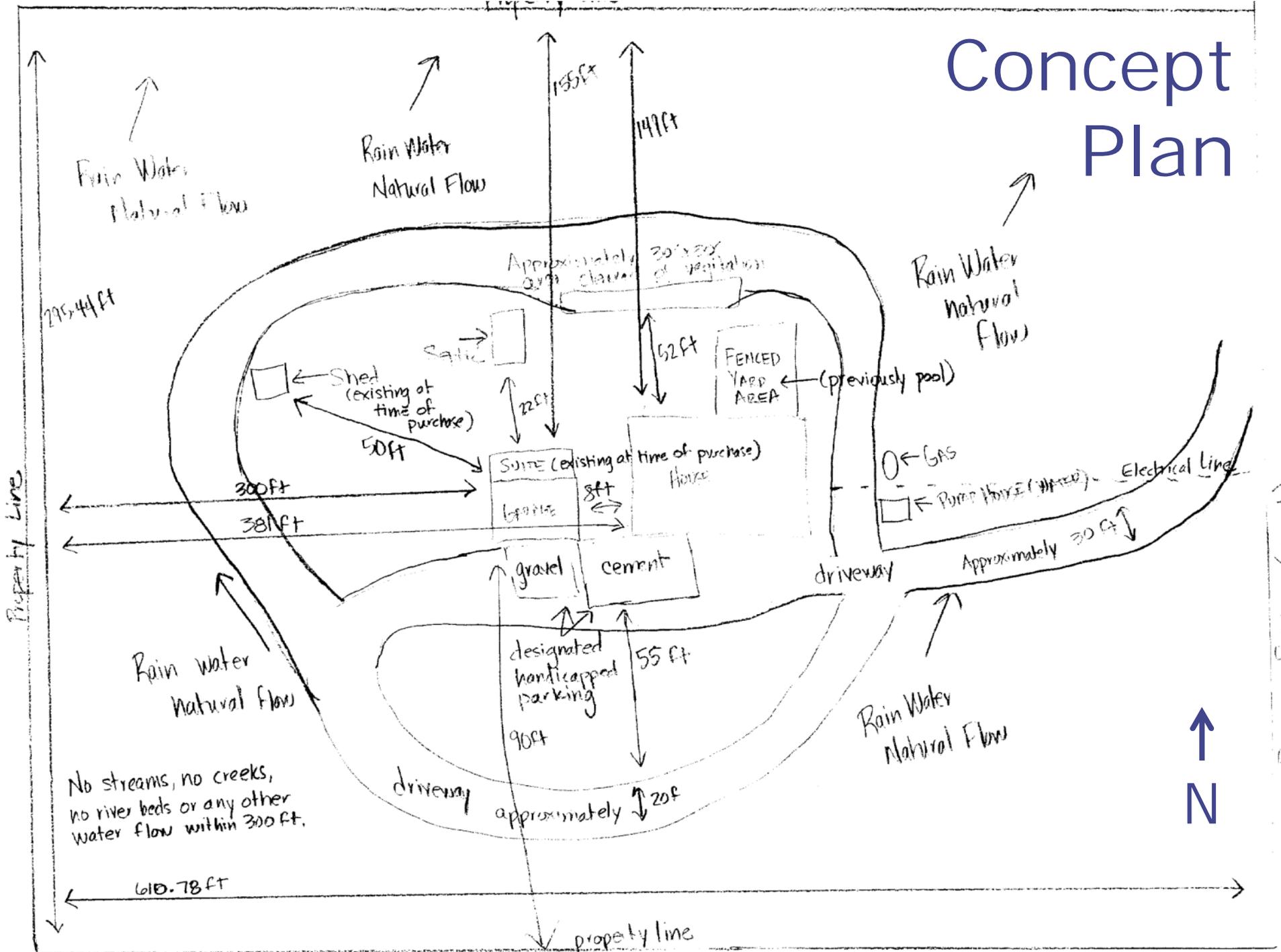


Docket SU-13-13
(AIRES LLC)
Location Map

This map is a product of the Cochise County GIS



Concept Plan



Site Photos



Northwest view of the AIRES facility, which is surrounded by fencing.

Site Photos



South view of the driveway along the east side of the business.

Site Photos



Employee parking area along the north side.

Site Photos



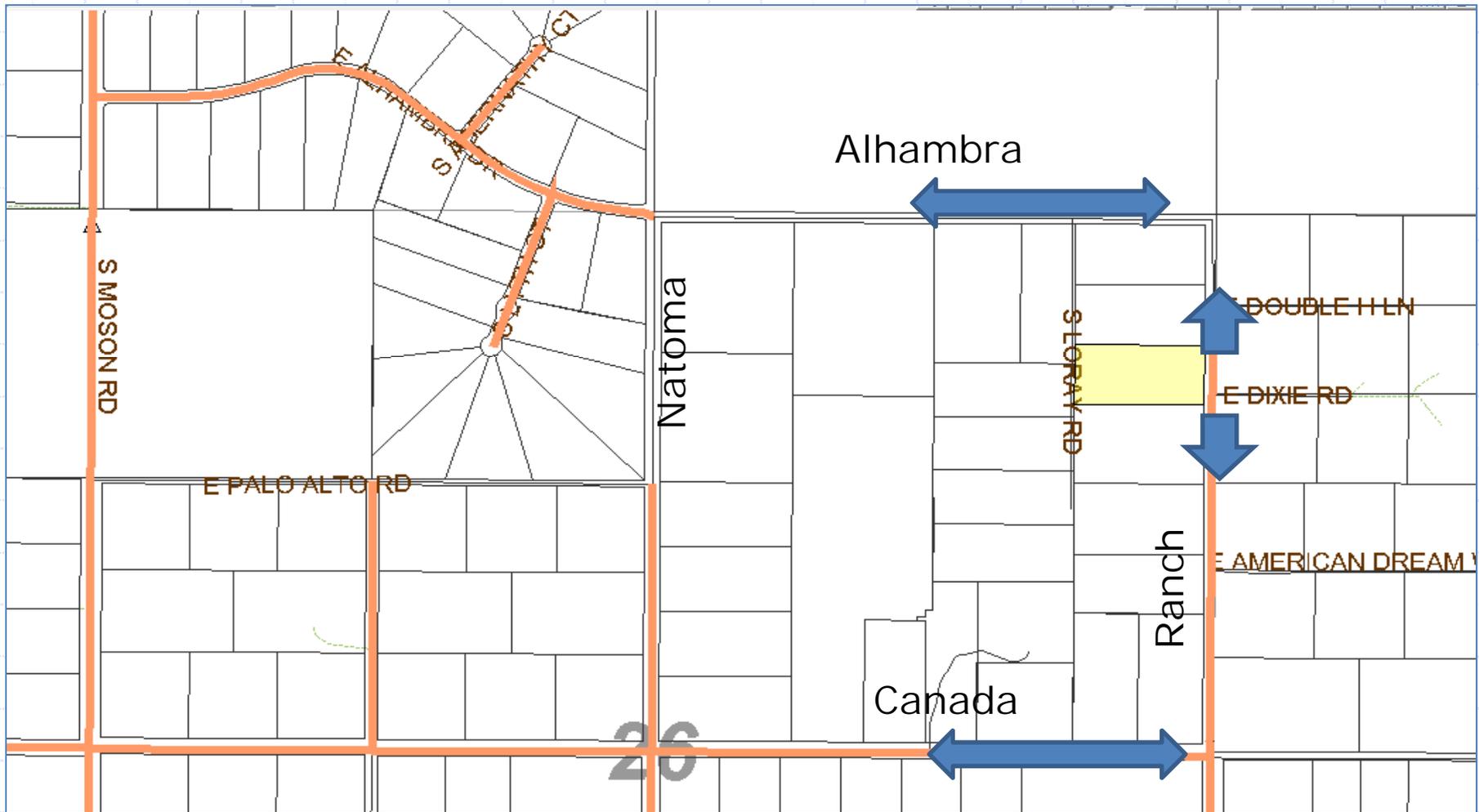
This structure was built as a garage but was later converted to a second dwelling.



West view of the paved loading area, with directional signs.



Circulation



Traffic to and from the site uses County-maintained roads (in orange) and unmaintained roads (Alhambra). Condition #3 would require a private



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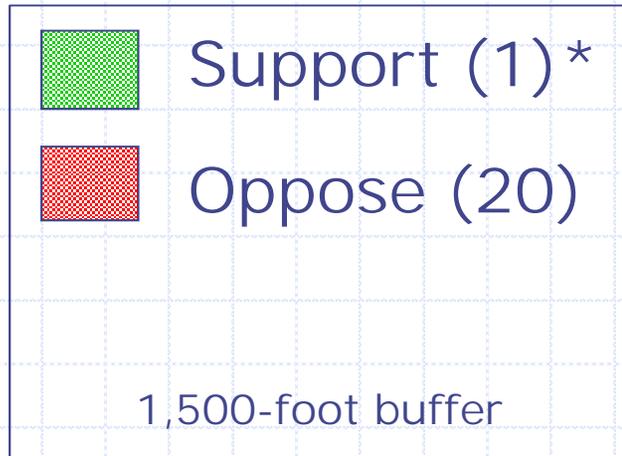
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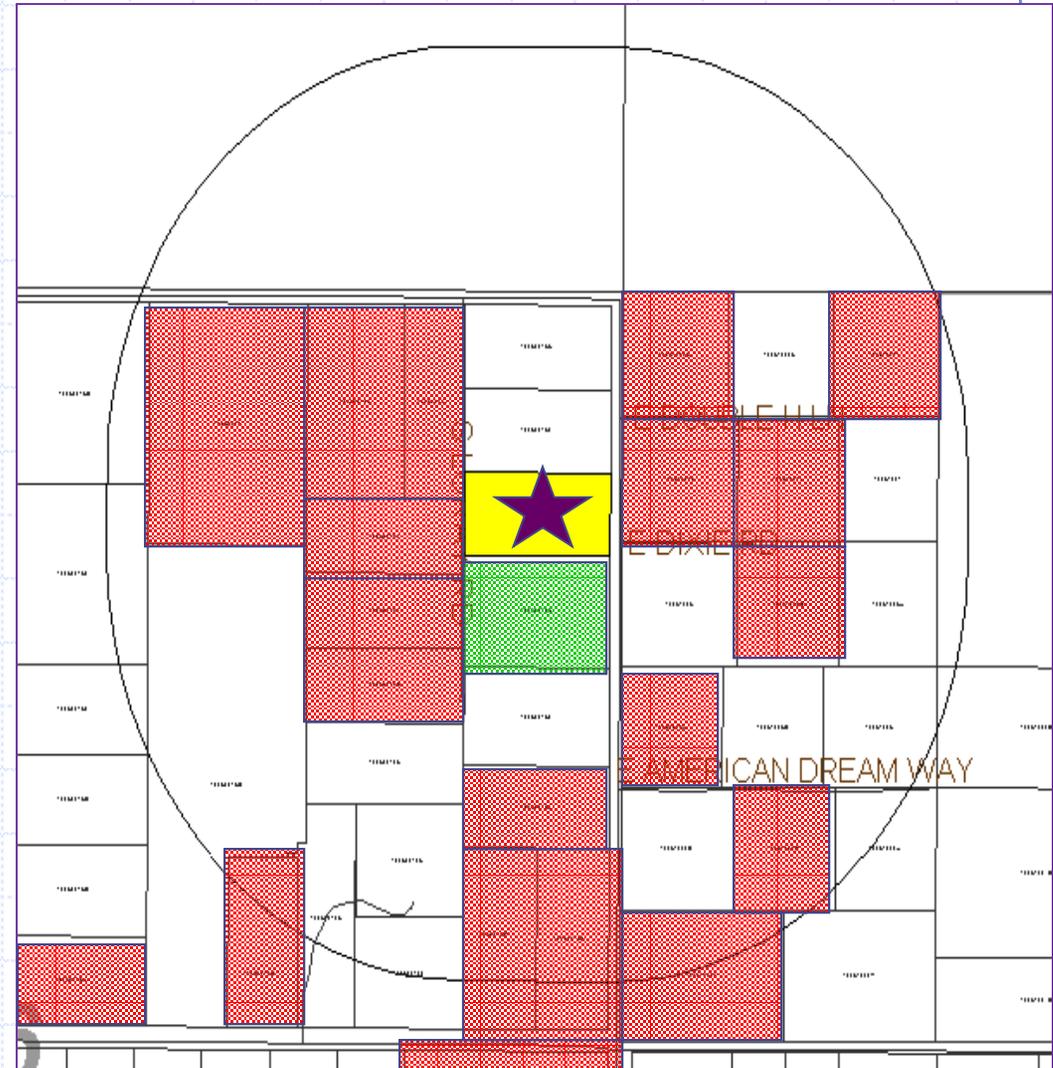
Imagery Date: 4/6/2013 31°29'39.72" N 110°10'26.58" W elev 4301 ft eye alt 5330 ft



Support & Protest



* Note that the supporting neighbor offered qualified support, contingent upon the project staying within its current scope.





Factors in Favor of Granting the Appeal

1. With the recommended Conditions of Approval and requested Modification, the proposed use would comply with six of the eight applicable Special Use factors used by staff to analyze such requests;
2. Per Section 601.02 of the Zoning Regulations, the proposed use is appropriate in the Rural Districts;
3. The proposed use would use existing structures; and
4. One neighboring property owner supports the request.



Factors Against Granting the Appeal

1. The Planning Commission voted unanimously (8–0) to deny the Special Use request at their September 11 hearing;
2. The Special Use request is intended to rectify a Violation for operating a business without a permit;
3. There are ongoing life/safety fire code violations as a result of establishing the business prior to obtaining a permit;
4. There are significant issues associated with providing adequate services and infrastructure on the property; and
5. 20 neighboring property owners oppose the request.

Discussion



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Imagery Date: 4/6/2013 31°29'39.72" N 110°10'26.58" W elev 4301 ft eye alt 5330 ft



Recommendation

- *Based on the Factors Against Granting the Appeal, staff recommends the Board of Supervisors deny the appeal, upholding the decision of the Planning Commission.*

- *Should the Board elect to grant the Appeal, staff recommends the following Conditions of Approval, and Modifications to development standards, be applied to the approved Special Use:*



Approval Conditions

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 30 days 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 90 days of the Special Use approval, otherwise the Special Use may be deemed void upon 15-day notification to the Applicant;



Approval Conditions

2. As part of the commercial permit process, the Applicant shall obtain a right-of-way permit from County staff, and install a commercial-grade access apron at the Ranch Road access in accordance with County Highway Department standards;
3. Prior to permit issuance, the Applicant shall enter into a private maintenance agreement with County staff to ensure that those portions of Ranch Road and Alhambra Drive which are outside the County maintenance system are maintained in a safe, drivable condition. This agreement shall also require that the Applicant contribute a share of costs to any property owner-led effort to maintain and/or upgrade this section of road;
4. As part of the commercial permit process, the Applicant shall bring the use into compliance with all life-safety standards and codes as required under County building codes, and satisfy all requirements of the Fry Fire District;



Approval Conditions

5. 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; and
6. 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.



Modifications Recommended

1. To allow the existing driveways to remain at their current width, which varies from 12-feet to 20-feet throughout the site (24-feet required);
2. To allow the existing native surface on these driveways to remain (2-inch deep gravel surface required);
3. To allow two small identification signs at the property entrance (only one such sign is allowed per street frontage); and
4. To allow the accessory dwelling on the property to remain eight-feet from the main house.