

July 27, 2023

MEMORANDUM TO: Honorable Mayor and City Council

THRU: Charles P. Potucek, City Manager
Victoria Yarbrough, Assistant City Manager
Matt McLachlan, Community Development Director

FROM: Jeff Pregler
Senior Planner

SUBJECT: REQUEST FOR AGENDA ITEM PLACEMENT
PUBLIC HEARING
ORDINANCE 2023-006
Rezoning from Neighborhood Convenience to
Manufactured Home Residence
Tax Parcel # 106-62-056

STAFF RECOMMENDATION:

The City Manager recommends approval.
The Director of Community Development recommends approval.
The Planning & Zoning Commission recommended unanimous approval. (4-0)

INITIATED BY:

Juan Laborin-Rodriguez and Hodalys Elias (Owners)

PROJECT LOCATION:

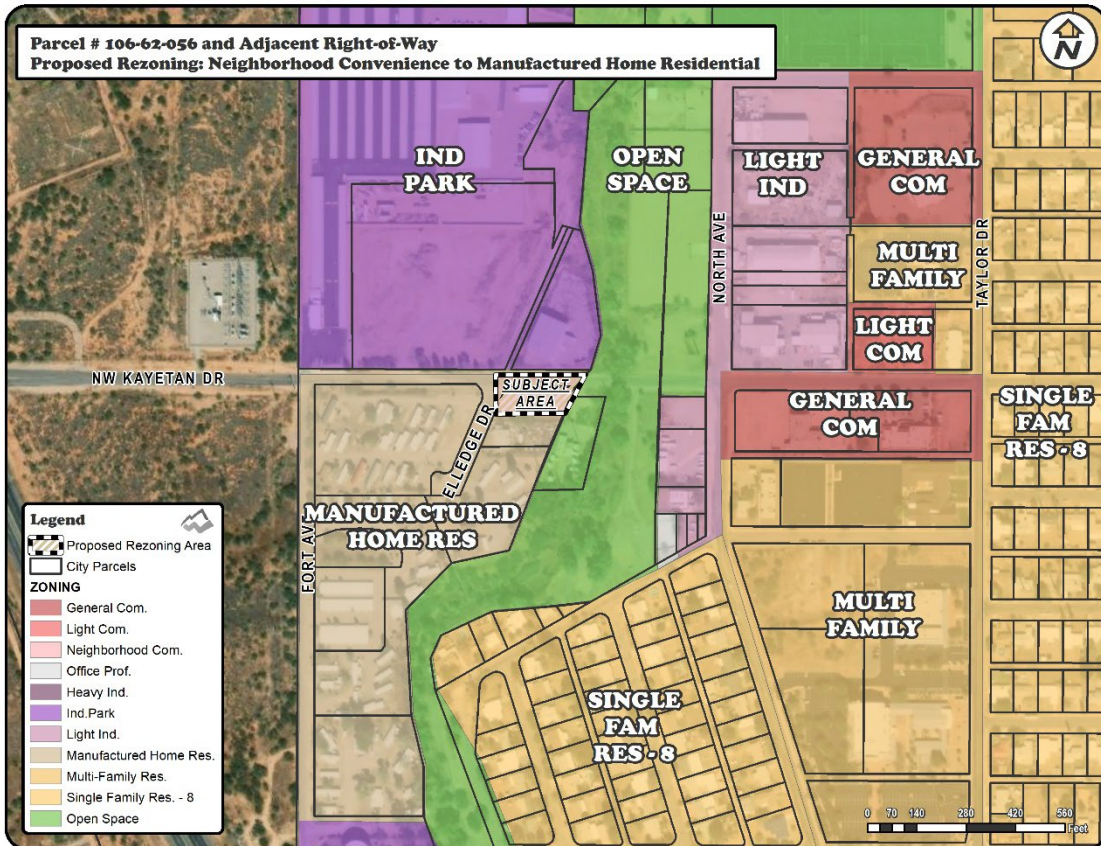
The property is located at Southeast corner of Kayetan Drive and Elledge Drive (Parcel ID# 106-62-056) and consists of 15,662 square feet (MOL)

BACKGROUND

A. Proposal/Summary

This is a request to rezone the property located on tax parcel #106-62-056, from Neighborhood Convenience (NC) to Manufactured Home Residence (MHR). The applicants are proposing to install one manufactured home on the currently vacant property for living purposes. Manufactured homes are only permitted in the MHR zoning district which is why the applicant is requesting the rezoning.

The property was incorporated as part of the original Articles of incorporation in 1956 and was designated with a zoning classification of RMH (Mobile Home Residence) which allowed manufactured homes on the property. In 1983, the property was rezoned to C-1 (Neighborhood Business), for the purposes of constructing a treatment facility for drug and alcohol abuse. Based on permitting history, this facility was never constructed. In 1986, after adoption of the Development Code, and all zoning districts were renamed, the property was given a Neighborhood Convenience (NC) zoning designation which is the current zoning designation.



REVIEW CRITERIA

No rezoning or map amendment shall be recommended for approval or receive a final action of approval unless a positive finding based upon substantial competent evidence, either presented at a public hearing held by the Mayor and City Council, or reviewed personally by the Mayor and Council members, is made on each of the following:

A. Standards

1. *The need and justification for the change.*
2. *The rezoning is consistent with the goals and objectives of VISTA 2030.*
3. *Whether the proposed rezoning benefits the general public welfare and does not constitute a granting of special privileges to an individual.*

B. Analysis

1. Site Suitability

The zoning district south and west of the property is zoned Manufactured Home Residence. The zoning north of the property is zoned Industrial Park (IP) and east of the property is Soldier's Creek Wash which is zoned Open Space. In 2013, a Letter of Map Revision from FEMA reduced the floodplain area on the property to a small area along the eastern property line. There is ample size on the remaining portions of the property to install a manufactured home out of the floodplain. Access to the site will be from Elledge Drive.

2. Ability to Serve

The subject property is located on the southeast corner of Kayetan Drive and Elledge Drive. According to the latest City traffic counts, W. Kayetan Drive has a total of 734 average daily trips. W. Kayetan is functionally classified as a Connector and Elledge is classified as a local street. According to the Institute of Traffic Engineers (ITE) Trip Generation Report, a single-family residence generates 10 vehicle trips per day. No significant impact on the existing level of service will result from the rezoning.

An 8-inch sewer line is located at the intersection of W. Kayetan Drive and Elledge Drive which is adequate to accommodate the proposed residential use.

3. Compatible with Surrounding Area

Despite the property being rezoned to Neighborhood Convenience, the parcel has remained vacant for a number of years. A commercial establishment on the property would be challenging due to required setbacks, buffers, and parking standards. In addition, the intensity of commercial development could potentially create negative impacts on the adjacent residences. For these reasons, the highest, best and most compatible use for the property is residential, which was the original intent for the property.

4. Consistency with the General Plan

The request will be consistent with the land use designation in the City of Sierra Vista General Plan (VISTA 2030) which has assigned a High- Density land designation to the property. According to VISTA 2030, the MHR zoning district falls under the category of a High-Density land designation.

Goal 1-1, Increase citizen participation in the governmental decision process;

Goal 12-2, Promote quality affordable owner-occupied housing.

PLANNING & ZONING CONSIDERATION

The requested rezoning was heard by the Planning & Zoning Commission on July 18, 2023. There were no members from the public that spoke at the meeting.

The Commission voted to unanimously approve the rezoning 4-0.

PUBLIC CORRESPONDENCE/COMMENT

Development Code Article 151.31, Amendments, states that a neighborhood meeting shall be required for rezoning applications. As a result, the petitioner held a neighborhood meeting on July 7 at 3:00 pm. No members from the public attended the meeting.

In addition, the City is required to provide notice of the public hearings 15 days prior to the meetings by posting the property, publishing a public notice ad in the newspaper, and mailing notice to all property owners within 500 feet of the requested property. The City has received no comments.

Attachments: Application
Neighborhood Meeting Letter

ATTACHMENTS

231223

REZONING
(Development Code Map Amendment)
APPLICATION FORM



DIRECT TO: City of Sierra Vista
Department of Community Development
1011 No. Coronado Drive
Sierra Vista, AZ 85635
(520) 458-3315

Date Submitted: _____

1. Applicant Name: Juan Manuel Laborin-Rodriguez
Address: 000 NW Kayetan Dr. Unit #20 Parcel #106-62-056
Telephone: _____

2. Agent Name: _____
Address: _____

Telephone: _____ Email: _____

3. Tax Parcel ID #: 106-62-056

4. Attachments (Check those which are included with this application):

- Request Letter;
- Drawing showing the location of the proposed zoning which meets the requirements of #13 of this form;
- Site Plan showing existing and proposed buildings, right-of-way widths with ingress and egress, proposed traffic patterns, and proposed improvements that meet the requirements of #14 of this form;
- Application Fee - \$1,650 AND \$50 per acre up to 50 acres AND \$1,000 Publication Deposit;
- Letter of Agent Appointment;
- Copy of Neighborhood Meeting letter/Summary of Meeting

5. NE SE SW NW Quarter of Section 34, Township 21, Range 20, of the Gila and Salt River Base Meridian. Property contains _____ acres.

6. Lot(s) N/A, of Block(s) _____, of _____ Subdivision, Recorded at page(s) _____ of Book _____ of Maps filed at the Office of the Cochise County Recorder on _____, 20____ (attachment required).

7. If the legal description of the property is less than the entirety of a lot, block, or parcel described in a recorded subdivision, the Metes and Bounds legal description was prepared and certified by N/A, a

Registered Land Surveyor, registered in the State of Arizona. Registration Number _____ (attachment required).

8. Title Report provided by the Stewart Title & Trust, a Title Company authorized to conduct business in the State of Arizona, and certified by _____, a Trust Officer of the Title Company (attach the Title Report that is less than 30-days old).

9. Property described is 100% owned by Juan Laborin-Rodriguez and Hoda Lys Elias.
Joint Tenancy Deed

10. Property described contains property in addition to that owned by the applicant. A petition in favor of the request made by the applicant and signed by the real property owners representing at least 75% of the land area to be included in the application is attached.

YES _____ (attachment required) NO

11. If land owned by a corporation, certified copy of the minutes of the Board of Directors designating N/A as agent (attachment required).

12. If land owned by non-corporation, letter from real property owner designating as agent (attachment required).

13. A reproducible 8 1/2" x 11" drawing clearly reflecting the dimensions, shape and the area of the property; clearly outline with contrasting markings the current and proposed zoning district boundaries; include reference points (e.g. roads, surrounding subdivision, natural, or man-made features).

14. A drawing, at a scale no smaller than 1"=100', is attached reflecting:

- A. The dimensions, current use and proposed use, character, and ownership of any building or structure already existing on the described property.
- B. Existing width and alignment of all streets, alleys, dedications, and easements accommodating public access, ingress, and egress to, or abutting the property. Further annotate all easements and dedications of public record.
- C. The proposed traffic circulation pattern of the described property.
- D. The dimensions, exact location, nature, and intended use of all buildings, structures, and facilities proposed for erection or alteration upon the described property.
- E. Proposed improvements to or upon existing streets, alleys, or parking areas, which may reasonably require improvement.

15. Provide the existing and proposed zoning:

Existing: Neighborhood Convenience Proposed: Manufactured Home Residence

16. The nature and character of intended use of the described property is:

The lot is currently and has been vacant and we plan on getting a new mobile home built and installed on the property for us to live in.

17. What is the nature and use of the proposed buildings, structures, and facilities:

My girlfriend and I would like to live in the mobile home ~~we~~ that we would put on the property.

18. The development schedule is: As soon as possible.

19. **NARRATIVE RATIONALE:** Justification for approval of the proposed rezoning follows or is attached, as required. Please be as specific as possible and address the applicable following items:

A. How will the proposed zoning affect the established land use pattern in the area?

The ~~neighborhood~~ surrounding areas are also MHR, so this would put it in the same zoning district.

B. Will it create an isolated district or spot zone? No it will not

C. What is the projected traffic impact of the rezoning on surrounding streets (number of automobiles)?

There shouldn't be an impact as there will only be two vehicles.

D. Are population densities expected to change? If so, how?

No they are not, both of us currently live in Sierra Vista already.

E. Why is this the best location for the proposed use? And was there an attempt to find existing vacant property that is adequately zoned?

We were noticing all surrounding buildings are zoned as MHR as well.

F. Have conditions in the City changed enough to warrant this rezoning?

The property has been listed as NC for years and has never had a business located on the property.

20. The described property does _____, does not , fall within the provisions and intent of a "subdivision" or "subdivided lands," as defined in ARS §9-463.02, and is _____, is not _____, now or potentially subject to the requirements.

but the building will not be located on the FEMA flood zone

21. The described property does ✓, does not _____, fall within the boundaries of a designated flood zone on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM).

22. Juan Laborin-Rodriguez & Hadalya Elias of _____, a real property owner of record, of all or part of the described property which is the subject of this application, do hereby declare this, the application for a map amendment, to have been executed by me in full and faithful compliance with the statutes of the State of Arizona and the applicable ordinances of the County of Cochise and of the City of Sierra Vista, including, but not limited to the General Plan and the Development Code. All information and statements made herein, in the attachments, and in the affidavits are full and honest disclosures, to the best of my knowledge and belief. This application, with all attachments, is submitted for consideration by the City of Sierra Vista and represents a petition by the undersigned for approval of a rezoning request.

[Handwritten signature]

[Handwritten signature]

Full Signature of Owner or Agent

State of Arizona)
) ss.
County of Cochise)

This instrument was acknowledged before me this 26th day of June, 2023, by

[Handwritten signature]

Notary Public

My commission expires: 02-18-27



July 10th ,2023

Department of Community Development
City of Sierra Vista
1011 N. Coronado Dr.
Sierra Vista, AZ 85635

Juan M. Laborin Rodriguez & Hodalys G. Elias

[REDACTED]
Sierra Vista, AZ 85635
[REDACTED]

SUBJECT: Neighborhood meeting summary

To whom this may concern:

We are requesting a rezoning on parcel #106-62-056 from the current Neighborhood Commercial (NC) zoning district to the Mobile Home Residence (MHR) zoning district and we were told on June 22nd that in order to do so we would have to go through a series of steps for our request to be considered. One of which is having a neighborhood meeting. The same day we were advised of having to do so, we went home and had some rough drafts of the invitations for the meeting made and sent to the City Planning and Zoning to look over for any thoughts and corrections. The letter also included a map that indicated where the property was and how the zoning is for the surrounding area, that the Senior Planner helped us obtain. We also noted that the neighborhood meeting would be held at 112 North 2nd street in Sierra Vista, AZ 85635 on July 7th at 3:00 p.m. We made sure to provide specifics of the proposed use of the property and information on the steps we have to go through as well as what the city will be doing on behalf of the rezoning request. Aswell as contact information such as our phone number and email addresses.

Upon receiving the okay from the Senior planner on our invitations and map. We went and got copies printed of both the invitations and maps to hand out to the addresses that were provided to us from the City's Planning and Zoning for the neighbors within 500 feet that would be asked to attend the neighborhood meeting. The next morning Hodalys and I both went to each of the addresses to personally hand the invitations out. We also got copies made and sent out through mail to the same contacts that we had obtained, both primary and secondary addresses.

On July 7th, we were set to have our neighborhood meeting. We put a sign on the front of the building saying "Neighborhood Meeting for parcel #106-62-056. Southeast corner of Elledge Dr. and Kayetan Dr. Rezoning Request." In addition we had also provided chips,

drinks, had seats and tables set up, and a sign up sheet by the front door so guests could sign upon entering. We had brought a notepad incase we had to record any comments that had to be forwarded to the City. But come 3:00 and no one ends up showing up, we wait until about 3:45 before we give Planning and Zoning a call to see how long we should stay before calling it quits in which we were advised that 4 p.m. would suffice. So when 4 came along we still had put everything away and lock up the meeting area so by the time we actually ended up leaving it was around 4:30 and still no one had shown up.

Prior to having the actual meeting, we had received a text message from the owner of AAA Fort Storage and FST Rentals across the street from the property, Rich Davis, and he was in agreement with our proposal. His text message reads "Hello. This is Rich Davis. I own AAA Fort Storage and FST Rentals across the street from your property. I won't be able to make your meeting, but I have no issues with you placing a MH on the property." And he even sent a following message wishing us good luck on our rezoning! In conclusion, with the meeting being held and no one showing up, and the receiving a text message from Rich Davis, we're hoping to take that as a positive sign that our neighbors wouldn't be opposed to the proposed intent and that some would actually agree with us on our request. And now we just hope that the City Planning and Zoning Commission and City Council can see it that way too!

Sincerely,

Juan Laborin-Rodriguez & Hodalys Elias

ORDINANCE 2023-006

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; AMENDING THE CITY'S DEVELOPMENT CODE, DISTRICT ZONING MAP, IN ACCORDANCE WITH ARTICLE 151.31 THEREOF, BY REZONING AN 15,662 SQUARE FOOT PARCEL IN A PORTION OF SECTION 34, T21S, R20E, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCHISE COUNTY, ARIZONA, AS SHOWN IN EXHIBIT A, FROM NEIGHBORHOOD CONVENIENCE (NC) TO MANUFACTURED HOME RESIDENCE (MHR); REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING DEVERABILITY.

WHEREAS, Arizona Revised Statutes §9-462 authorizes municipalities to change zoning designations within the corporate boundaries of the municipality; and

WHEREAS, the City has received an application to rezone a portion of real property that falls within the corporate boundaries of the City of Sierra Vista; and

WHEREAS, the Planning & Zoning Commission recommended unanimously to approve the request for rezoning;

WHEREAS, it is the policy of the City of Sierra Vista to only approve those amendments which shall; 1) justify the need for the change; 2) be consistent with the goals and objectives of the General Plan; 3) ensure the proposed amendment benefits the general public welfare and does not provide a special privilege to an individual.

WHEREAS, the required public hearings have been conducted, and the required public notification process has been completed.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That an amendment to the City Zoning District Map from Neighborhood Convenience (NC) to Manufactured Home Residence (MHR), for an 15,662 square foot (MOL) property in Section 34, Township 21 South, Range 20 East, of the Gila and Salt River Base and Meridian, Cochise County, Arizona, on parcel ID# 106-62-056, as shown in Exhibit A, be, and hereby is, approved.

SECTION 2

All other ordinances or parts of ordinances in conflict with this ordinance, to the extent of such conflict and no further, are hereby repealed.

SECTION 3

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, such invalidity shall not affect other provisions, which can be given effect without the invalid provision, and to this end, the provisions of this Ordinance are declared to be severable.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 27TH DAY OF JULY, 2023.

CLEA McCAA II
Mayor

APPROVAL AS TO FORM:

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

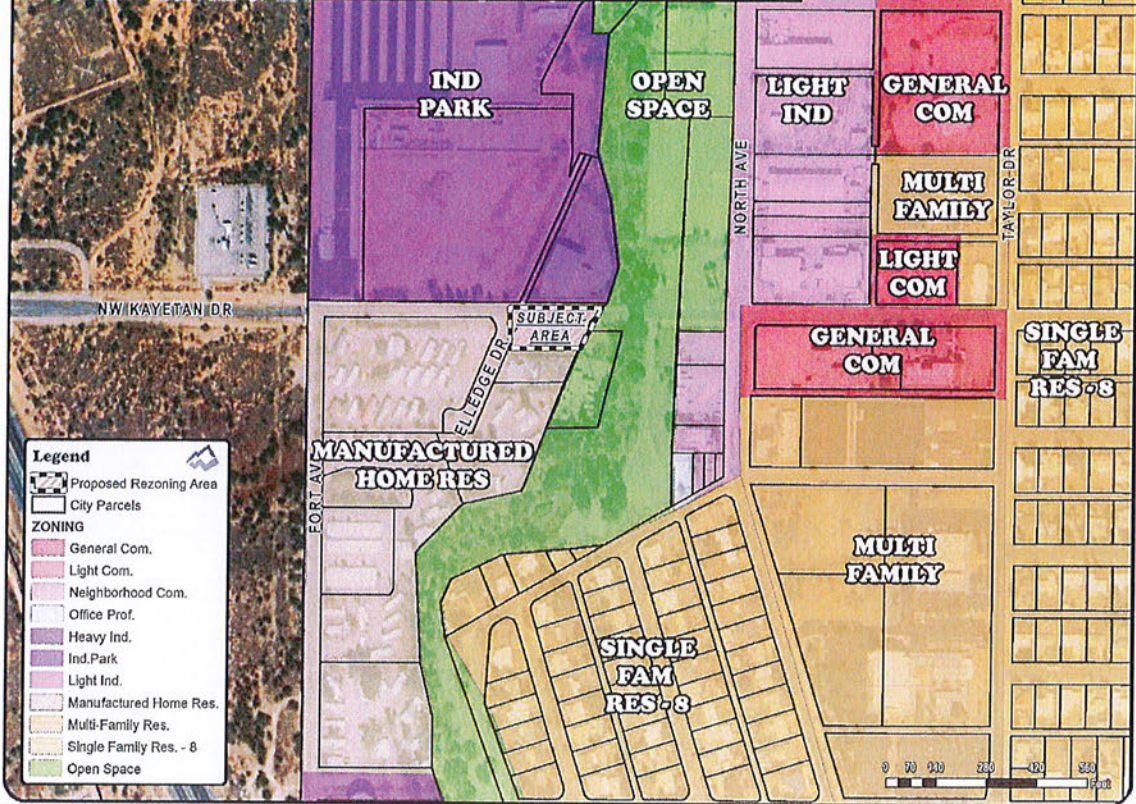
Prepared by: Jeff Pregler
 Senior Planner

EXHIBIT A

That portion of the Northwest quarter of Section 34, Township 21 South, Range 20 East of the Gila and Salt River Base and Meridian, Cochise County, Arizona, more particularly described as follows:

BEGINNING at the West quarter corner of Section 34; thence North $00^{\circ}02'$ West, a distance of 986.64 feet; thence North $89^{\circ}59'$ East, a distance of 462.10 feet; thence North $23^{\circ}37'$ East, a distance of 246.35 feet to the TRUE POINT OF BEGINNING; thence North $23^{\circ}37'$ East, a distance of 87.00 feet; thence North $89^{\circ}58'$ East, a distance of 196.48 feet; thence South $22^{\circ}59'$ West, a distance 86.57 feet; thence South $89^{\circ}58'$ West, a distance of 197.63 feet to the TRUE POINT OF BEGINNING.

Parcel # 106-62-056 and Adjacent Right-of-Way
Proposed Rezoning: Neighborhood Convenience to Manufactured Home Residential



- Legend**
- Proposed Rezoning Area
 - City Parcels
- ZONING**
- General Com.
 - Light Com.
 - Neighborhood Com.
 - Office Prof.
 - Heavy Ind.
 - Ind.Park
 - Light Ind.
 - Manufactured Home Res.
 - Multi-Family Res.
 - Single Family Res. - 8
 - Open Space

