



CITY OF SIERRA VISTA
PLANNING AND ZONING COMMISSION
July 18, 2023
CITY COUNCIL CHAMBERS
1011 N. CORONADO DRIVE

REGULAR MEETING.....5:00 PM

CALL TO ORDER

ROLL CALL

ACCEPTANCE OF AGENDA

ACCEPTANCE OF MINUTES

1. May 16, 2023

CHAIR COMMENTS

CALL TO THE PUBLIC

OLD BUSINESS

NEW BUSINESS

PUBLIC HEARING ITEMS

2. Resolution 1191
Request for Rezoning
Located on the southeast corner of W. Kayetan Drive and Elledge Drive (Tax Parcel # 106-62-056)
From Neighborhood Convenience (NC) to Manufactured Home Residence (MHR)
3. Resolution 1192
Request for Alleyway Abandonment
Located between North Avenue and Cyr Center

FUTURE DISCUSSION ITEMS, COMMISSION REQUESTS, AND ANNOUNCEMENTS

INFORMATION

Update on Projects

CITY COUNCIL LIAISON COMMENTS

Update on City Council Items

ADJOURNMENT

SIERRA VISTA PLANNING AND ZONING COMMISSION

May 16, 2023
CITY COUNCIL CHAMBERS
Motion Meeting Minutes

The regular meeting of the Sierra Vista Planning and Zoning Commission was called to order at 5:00 p.m. in the City Council Chambers.

Members Present: Bradley Snyder, Chair
Daniel Coxworth, Vice-Chair
Randy Wilcox
Daman Malone

Members Absent: Leslie Thomas

Staff Present: Matt McLachlan, Director, Department of Community Development
Jeff Pregler, Senior Planner

Council Present: Mayor Clea McCaa II
Councilmember Umphrey
Councilmember Messmer

Others Present: Rick Coffman, Castle & Cooke Arizona
Tait Wilcox, Castle & Cooke Arizona

ACCEPTANCE OF THE AGENDA:

Mr. Malone made the motion to accept the agenda. The motion was seconded by Mr. Coxworth.

VOTE: Approved by a vote of 4-0.

ACCEPTANCE OF THE MINUTES:

1. Mr. Coxworth made the motion to accept the December 13, 2022 minutes. Mr. Malone seconded the motion.

VOTE: Approved by a vote of 4-0.

CHAIR COMMENTS

Mr. Snyder had no comments.

CALL TO THE PUBLIC

No public - None.

OLD BUSINESS:

None.

NEW BUSINESS

- 2. Independence Village
 - Lots 1-376
 - Resolution 1188

Mr. Coxworth made the motion recommending Resolution 1188 to the Mayor and City Council. Mr. Malone seconded the motion.

Mr. Pregler gave the staff presentation. Castle & Cooke is proposing to construct 376 detached single-family homes in Independence Village. The subdivision will encompass 109.25 acres will be developed in a total of 12 phases. Although the first three phases will be developed concurrently. This is the first residential development within the Tribute Specific Plan. As such, the development standards such as setbacks and roadway widths will be per the Specific Plan Development Standards and not the Development Code standards.

- A.** *Future Land Use Designation: Tribute Specific Plan*
- B.** *Zoning Designation/Lot Size: Medium Density Residential. As identified in the Tribute Specific Plan, the lot sizes range from 6,000 to 9,375 square feet, which is consistent with the zoning designation. The total density is 3.44 homes per acre.*

C. *Building Height/Setbacks:*

According to the Tribute Specific Plan, the maximum building height for medium density residential structures is 28 feet. This is consistent with the height requirement in the Development Code.

Minimum building setbacks as prescribed in the Specific Plan are as follows:

Front-10 feet to property line. However, homes need to be placed a minimum of 20 feet from the edge of sidewalk to allow for vehicle parking in the driveway.

Interior Side- 5-foot

Street Side-10-foot

Rear yard-10-foot

D. *Utilities*

Water service will be provided by Pueblo Del Sol; Gas by Southwest Gas; and Electric by SSVEC.

E. *Drainage*

All drainage will travel east, toward the eastern edge of the subdivision. Two detention basins are proposed along the eastern property line to detain all water runoff. Temporary basins will be constructed during development of the early phases of the subdivision until such time as the permanent basins have been completed. The City will maintain all detention basins within the site.

F. Access

The Development Code requires two accesses into a subdivision when developing 1-100 lots. One additional access is required for each additional 100 lots. For example, 101-200 lots requires three accesses and 201-300 requires four accesses. The number of accesses beyond 301 lots is determined by the City. Regarding Independence, the City has agreed that the maximum number of access points into the subdivision will be four.

St. Andrew's Drive will be extended from Highway 92 and provide the first access into the subdivision. Two additional accesses from Greenbrier and one access from Francis Lewis Street will combine for the remaining three access points and will be constructed at the time the adjacent phases are developed. St. Andrew's Drive will terminate just east of the main subdivision access, Thomas Jefferson Circle, until such time as the future phases are developed. A temporary secondary access from St. Andrew's Drive will be provided within Lot 12, and function as a secondary access for the initial phases of the subdivision. Having at least two accesses through all phases of the project is necessary for faster emergency service response times. All roads will be owned and maintained by the City of Sierra Vista.

G. Transportation

The right-of-way width for St. Andrew's Drive will vary from 80-feet to 102 feet. The wider right-of-way is prescribed from the Highway 92 intersection to Street A, as this section will serve the commercial properties in the Tribute and generate the most traffic. This section of St. Andrews will also include a center median and provide a roundabout at the St. Andrew's/Street A intersection. The roadway width for the entire length of the roadway will be 48 feet and include a 10-foot-wide multi-use path along both sides of the roadway. Only half of the St. Andrew's roadway width will be constructed and improved during the initial phases of the subdivision. The full extent of the roadway will be developed when traffic warrants require the need for additional roadway capacity.

Greenbrier will have a total right-of-way width of 80 feet and a roadway width of 52 feet with a 4-foot sidewalk on both sides of the roadway. Again, only half of the roadway width will be constructed until adjacent phases completed.

The width of all internal roadways will be as prescribed in the Specific Plan. The right-of-way width will be 56 feet and the interior roads will have a width of 28 feet with an adjacent 4-foot sidewalk. However, Thomas Jefferson Circle, which is the main access into the subdivision, will have a greater roadway width at the entryway into the subdivision with widths from 19.5 to 31.5 feet.

General Plan Compliance

The Specific Plan is referenced and identified in VISTA 2030. All land use designations in the Specific Plan are consistent with the designations in the General Plan. In addition, the Specific Plan meets the following goal and strategy in the VISTA 2030:

- ✓ **Goal 5-1 Strategy (1)** – Encourage the use of Specific Plans for development in future growth areas.

Development Review Committee

The Development Review Committee voted unanimously to recommend the Independence Village preliminary plat to the Mayor and City Council.

Mr. Wilcox asked about access to Buffalo Soldier Trail. Mr. Pregler stated that there will be indirect access to Buffalo Solider Trail through Francis Lewis Street which is a proposed east-west roadway that connects the subdivision to Ben Franklin Boulevard. This Boulevard is a north-south roadway that connects St. Andrew's Drive to Buffalo Solider Trail that will be constructed in conjunction with a proposed charter school. Mr. McLachlan stated that Buffalo Solider Trail is a minor arterial and the responsibility of the City to construct. The City at this time will only be constructing the roadway to Ben Franklin Boulevard which is necessary for circulation of the charter school.

Mr. Malone asked why some of the roadways will be phased? Mr. Pregler stated that the roadways will be constructed to full-build out when warranted, but at this time, the half-width roadway could accommodate the traffic generated by the subdivision. Mr. Coffman stated that one of the reasons is that the roadways will be overbuilt, and maintenance issues would arise. Further he stated that cost was another reason for only constructing the half-width roadway. Mr. McLachlan further stated that it's important to time the buildout of the roadway infrastructure to be scaled to the amount of development that's contributing to the need for the additional capacity.

Mr. Coxworth about the designation of the park. Mr. McLachlan stated it was a neighborhood park. Mr. Coxworth then asked if park was to be paid by the developer. Mr. Coffman said the park would be paid by the developer. Mr. Coxworth followed-up and asked if the development fees would be used for another regional park in the area. Mr. McLachlan stated that Castle & Cooke proposed an amendment to the Tribute Specific Plan that consolidated the parks into Community Parks.

Mr. Snyder asked about the timing of the commercial developments in the Tribute Specific Plan area. Mr. Coffman stated that there is no specific timing for the development of the commercial properties, but that the infrastructure improvements constructed with the subdivision and the charter school will increase interest in the property.

Mr. Wilcox asked if there is going to be a Homeowner's Association in the subdivision. Mr. Coffman stated that this has not been decided, but that there probably would be an Association. Again, reiterated that the streets are public.

Mr. Snyder asked if Buffalo Soldier Trail would be constructed at full build-out. Mr. McLachlan stated that the roadway would be at full build-out at the SR 92 intersection, but a decision had not been made to continue full build-out to Ben Franklin Boulevard. Staff was reviewing the Traffic Impact Report for the charter school and would decide following a review of the report. However, it is anticipated that Buffalo Soldier Trail would be phased, starting with three lanes, then eventually future outside lanes. The phasing will depend on the need as traffic generation increases.

VOTE: Unanimous to approve 4-0.

3. Appointment of Chair
Resolution 1189

Mr. Snyder made the motion to appoint Mr. Snyder as Chair. Seconded by Mr. Malone.

VOTE: Unanimous to approve, 4-0.

4. Appointment of Vice-Chair
Resolution 1190

Mr. Malone made the motion to appoint Mr. Coxworth as Vice-Chair. Seconded by Mr. Wilcox.

VOTE: Unanimous to approve, 4-0.

Discussion Item:

Strategy on City Commission involvement with the General Plan Update

Mr. McLachlan provided an update on the strategy about reaching out the City Commissions about input on the General Plan. It was indicated that staff would be meeting with the City Commission to receive comments about the General Plan. After a lengthy discussion, it was recommended that a representative from the P&Z Commission attend a City Commission meeting and report their findings to the P&Z Commission. Staff was going to provide a schedule of upcoming Commission meetings.

FUTURE DISCUSSION ITEMS, COMMISSION REQUESTS, AND ANNOUNCEMENTS

INFORMATION

Staff provided an update on various projects within the City.

Under Review

Circle K on SR 90 and Rainbow Way

Dollar General-SR 90 and Avenida Del Sol

Approved but not under construction:

Freddy's-Walmart Shopping Center

Tractor Supply-SR 90

Under Construction

Tropical Smoothie-SR 92

Casa Del Sol Phase 2, S. Carmichael

Haven Health-Coronado Dr., and Busby Drive

Taco Bell-SR 92

Sierra Vista Sports Complex-Avenida Escuela

CITY COUNCIL LIASION COMMENTS

Mayor McCaa stated that the City Council was discussing the FY 23/24 budget.

ADJOURNMENT

The meeting was adjourned at approximately 6:05 pm.

BRADLEY SNYDER
Chairperson
Planning & Zoning Commission

MATT MCLACHLAN, AICP
Executive Secretary
Planning & Zoning Commission

Jeff Pregler, AICP
Recording Secretary

STAFF MEMORANDUM

TO:	Planning and Zoning Commission
THRU:	Matt McLachlan, AICP, Community Development Director
FROM:	Jeff Pregler, AICP, Senior Planner
MEETING DATE:	July 18, 2023
CASE NO:	RZ 2023-001 Kayetan-Elledge Rezoning
SUBJECT:	Resolution 1191, Request for Rezoning from Neighborhood Convenience to Manufactured Home Residence (MHR) on property located at the southeast corner of W. Kayetan Drive and Elledge Drive.
REQUESTED ACTION	I move that Resolution 1191, a proposal to rezone parcel #106-62-056 from Neighborhood Convenience (NC) to Manufactured Home Residence (MHR), as shown on Exhibit A, be recommended for approval to the Mayor and City Council.

I. GENERAL INFORMATION

A. Requests

The applicants, Juan Laborin-Rodriguez and Hodalys Elias, are seeking approval of the following requests:

1. Amendment of the City's Official Zoning Map from NC, Neighborhood Convenience to MHR, Manufactured Home Residence as depicted and described in Exhibit "A" of Resolution 1191.

B. Location

Southeast corner of Kayetan Drive and Elledge Drive (Parcel ID# 106-62-056)

C. Site Area

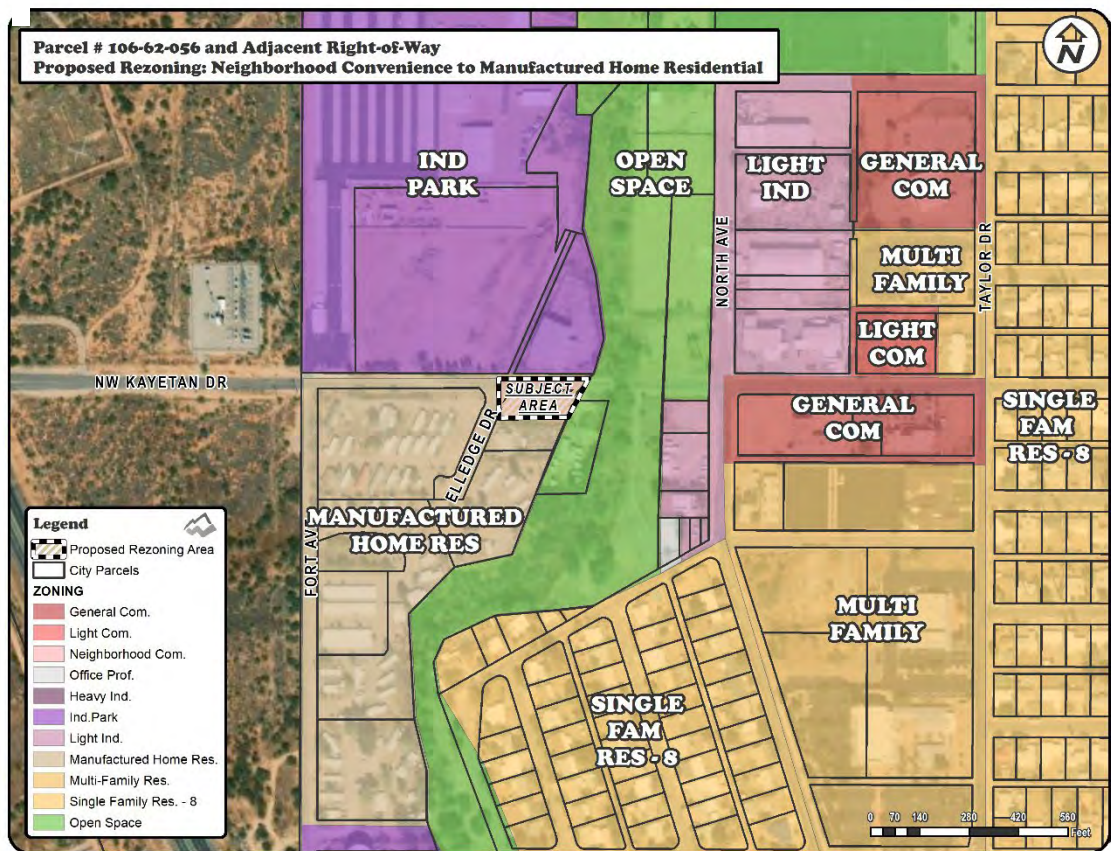
15,662 square feet (MOL)

II. 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 the zoning districts were renamed, the property was given a Neighborhood Convenience (NC) zoning designation which is the current zoning designation.



B. Development Considerations

A building permit will be required prior to the installation of the manufactured home.

C. Summary Recommendation

Staff recommends approval of the rezoning request.

III. 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 Commission, or reviewed personally by the Commission 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 area 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.

III PUBLIC CORRESPONDENCE/COMMENT

As stated by the Development Code, a neighborhood meeting is required for rezonings. The applicant held a neighborhood meeting on July 7 at 3:00pm. However, no members from the public attended the meeting.

The City sent out public notification of the hearings to all property owners within 500-feet of the property, placed an ad in the newspaper, and posted a public notice sign on the property. The City did receive comments from a neighboring property owner, but they were not specific to this rezoning request.

Attachments:
Zoning Application
Neighborhood Meeting Summary

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: (520)678-1794 E-mail: juanlabrod@gmail.com

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 State 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 Joint Tenancy Deed Juan Laborin-Rodriguez and Hodaylys Elias.

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 ~~current~~ 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 ✓ A, 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 & Hodaylys 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.

Juan Laborin-Rodriguez

Hodaylys Elias

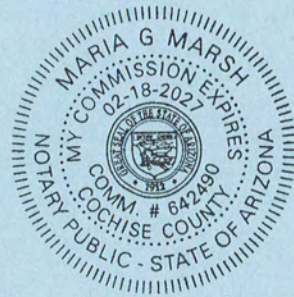
Full Signature of Owner or Agent

State of Arizona)
) ss.
County of Cochise)

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

[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
212 N. 1st Street
Sierra Vista, AZ 85635
(520)678-1794 & (520)261-1463
juanlabrod@gmail.com & odalyselias98@gmail.com

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

RESOLUTION 1191

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING THE GOALS AND POLICIES OF VISTA 2030, THE CITY OF SIERRA VISTA GENERAL PLAN; RECOMMENDING AN AMENDMENT TO THE CITY ZONING DISTRICT MAP CHANGING THE ZONING OF PROPERTY LOCATED IN A PORTION OF SECTION 34, T21S, R20E, ON PARCEL 106-62-056, AS SHOWN IN EXHIBIT A, FROM NEIGHBORHOOD CONVENIENCE (NC) TO MANUFACTURED HOME RESIDENCE (MHR) AND; DIRECTING THE EXECUTIVE SECRETARY TO TRANSMIT THE PLANNING AND ZONING COMMISSION'S RECOMMENDATION AND COMMENTS TO THE CITY COUNCIL.

WHEREAS, in accordance with the provisions of Article 151, Section 31 of the City Code, Juan Laborin-Rodriguez and Hodalys Elias for the property shown on Exhibit A, have submitted an application to amend the zoning on this property from NC, Neighborhood Convenience to MHR, Manufactured Home Residence; and

WHEREAS, this request for amendment has been duly advertised for a public hearing under the provisions of A.R.S. Section 9-462.04; and

WHEREAS, A.R.S., Section 9-462.04, and Article 151, Section 31 of the City Code require the Planning and Zoning Commission to review and make a recommendation of such requests for amendment to the City Council; and

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.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the following Goals and Policies of VISTA 2030, the City of Sierra Vista General Development Plan are reaffirmed: Goal 1-1, Increase citizen participation in the governmental decision process; Goal 12-2, Promote quality affordable owner-occupied housing.

SECTION 2

That an amendment to the City Zoning District map from NC to MHR for a portion of Section 34, T21S, R20E, on parcel 106-62-056, as shown in Exhibit A, be, and hereby is recommended to the City Council for approval.

SECTION 3

That the Executive Secretary be, and hereby is, directed to transmit the Planning and Zoning Commission's recommendation and comments to the City Council.

PASSED AND APPROVED BY THE CHAIRPERSON AND MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, ARIZONA, THIS 18TH DAY OF JULY, 2023.

BRADLEY SNYDER
Chairperson

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY:

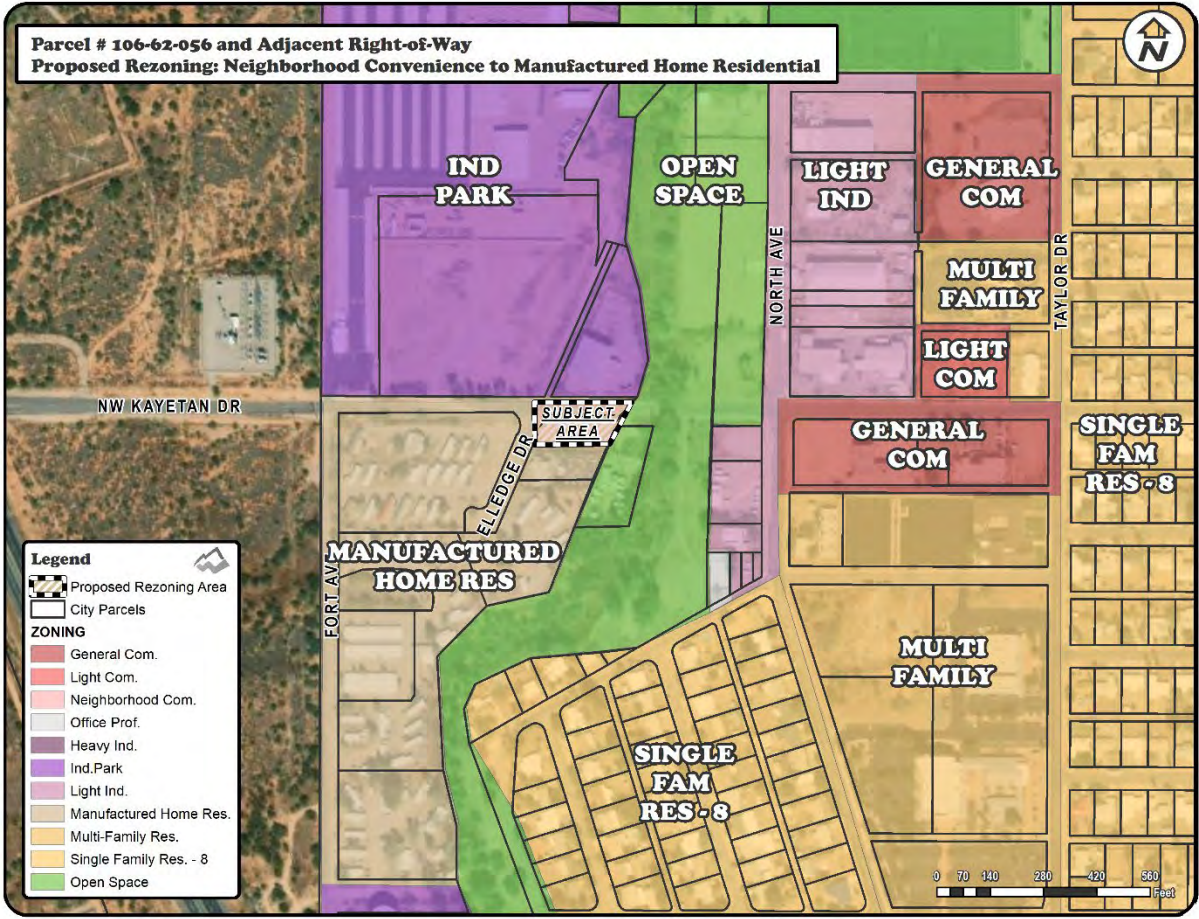
JEFF PREGLER
Planner

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

TO:	Planning and Zoning Commission
THRU:	Matt McLachlan, AICP, Community Development Director
FROM:	Jeff Pregler, AICP, Senior Planner
MEETING DATE:	July 18, 2023
CASE NO:	AB 2023-001 North Avenue-Cyr Center Alleyway Abandonment
SUBJECT:	Resolution 1192, Request for Alleyway Abandonment between North Avenue and Cyr Center
REQUESTED ACTION	I move that Resolution 1192, a proposal to abandon public alleyways between North Avenue and Cyr Center, as shown on Exhibit A, be recommended for approval to the Mayor and City Council.

ABANDONMENT REVIEW

I. GENERAL INFORMATION

A. Request

Abandonment of public interest for alleyways located between North Avenue and Cyr Center.

B. Location

North Avenue and Cyr Center, adjacent to parcels # 106-61-014A, (Hot Rods and Customs by Jack), 106-61-012, (CMAK Property), and 106-61-015A (LifeHouse Church)

C. Site Area

Alley Abandonment One-6,480 sf (MOL)
Alley Abandonment Two-7,340 sf (MOL)

II. BACKGROUND

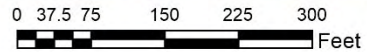
A. Proposal/Summary

The City is initiating an abandonment of two alleyway sections located between Cyr Center and North Garden Avenue (see Exhibit A). The alleyways have not been maintained by the City in several years and have no apparent public benefit. Access into Alley 1 from North Avenue is currently blocked by a gate that was installed by the previous owner of parcel 106-61-014A. The current owner is using the alley area for vehicle and parts storage. SSVEC and CenturyLink/Lumen also have utilities within the two alleyways. The owner of the gate has provided a key to SSVEC to allow access to the power poles.

LOCATION MAP - PROPOSED ALLEYWAY ABANDONMENT PETITION



SOURCE:
Prepared by Sierra Vista Community Development Department



Alley 1- looking east from North Ave. Notice the gate and storage of materials. The power poles in the alleyway can be viewed.



Alley 2- looking south from Cyr Center. The unmaintained vegetation makes the alleyway untraversable.

The alleyway directly east of the current request was abandoned by the City on September 25, 1986 per Resolution 1830. The justification for abandonment of the alleyway in 1986 was that “the alley is unused by the public, and for most intents and purposes does not physically exist.” This rationale is consistent with the current abandonment request.

Per Arizona Revised Statutes 28-7205, title to any vacated (abandoned) roadway or alleyway vests to the abutting property owners where each will take ownership to the alleyway centerline. Therefore, it is the private property owner’s responsibility to maintain the abandoned property.

III. PUBLIC CORRESPONDENCE/COMMENT

The City Council directed staff to proceed with the abandonment at their May 25, 2023 meeting. Following this directive, staff notified all abutting property owners and all utility companies. The City has not received any objections from these entities. However, SSVEC and CenturyLink did request 20-foot wide utility easements be recorded within both Alleyway 1 and 2. The City Council will consider the easements as a separate agenda item. In addition, Public Works, Fire, Police, and the Parks & Leisure Departments were notified and had no concerns.

RESOLUTION 1192

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING THE GOALS AND POLICIES OF VISTA 2030, THE CITY OF SIERRA VISTA GENERAL DEVELOPMENT PLAN; RECOMMENDING APPROVAL FOR AN ABANDONMENT OF PUBLIC ALLEYWAYS, AS OUTLINED IN EXHIBIT A, LOCATED IN A PORTION OF THE OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 20 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN; AND DIRECTING THE EXECUTIVE SECRETARY TO TRANSMIT THE PLANNING AND ZONING COMMISSION'S RECOMMENDATION AND COMMENTS TO THE CITY COUNCIL.

WHEREAS, this request reestablishes standard procedures for the abandonment of public rights-of-way and easements; and

WHEREAS, the City is desirous to abandon two 20-foot wide alleyways as shown in Exhibit A;

WHEREAS, the City Council directed staff to proceed with the abandonment of alleyways; and

WHEREAS, the abandonment has followed all steps per the adopted abandonment policy.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, ARIZONA, AS FOLLOWS:

SECTION 1

That the following goals and policies of VISTA 2030, the City of Sierra Vista General Development Plan are reaffirmed: Goal 1-1, provide ample opportunities for citizen participation and Goal 13-1, Maintain, improve, and revitalize older areas of the community.

SECTION 2

That a resolution approving the abandonment of two 20-foot wide alleyways as shown in Exhibit A, be recommended to City Council for approval.

SECTION 3

That the Executive Secretary be, and hereby is, directed to transmit the Planning and Zoning Commission's recommendation and comments to the City Council.

PASSED AND APPROVED BY THE CHAIRPERSON AND MEMBERS OF THE
PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, ARIZONA, THIS
18TH DAY OF JULY, 2023.

BRADLEY SNYDER
Chairperson

APPROVAL AS TO FORM:

ATTEST:

NATHAN WILLIAMS
City Attorney

JILL ADAMS
City Clerk

PREPARED BY: Jeff Pregler

Exhibit A

Alleyway Abandonment 1

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 a point which is North 00°01'15" West, a distance of 1,985.00 feet and South 89°51'30" West, a distance of 1,091.36 feet from the Southeast corner of the Northwest quarter of said Section 34;

Thence South 89°51'30" West, a distance of 324.51 feet;

Thence South 0°01'15" East, a distance of 20.00 feet;

Thence North 89°51'30" East, a distance of 324.51 feet;

Thence North 0°01'15" West, a distance of 20.00 feet to the POINT OF BEGINNING.

Alleyway Abandonment 2

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:

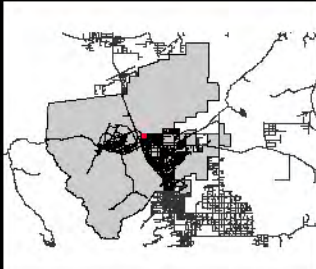
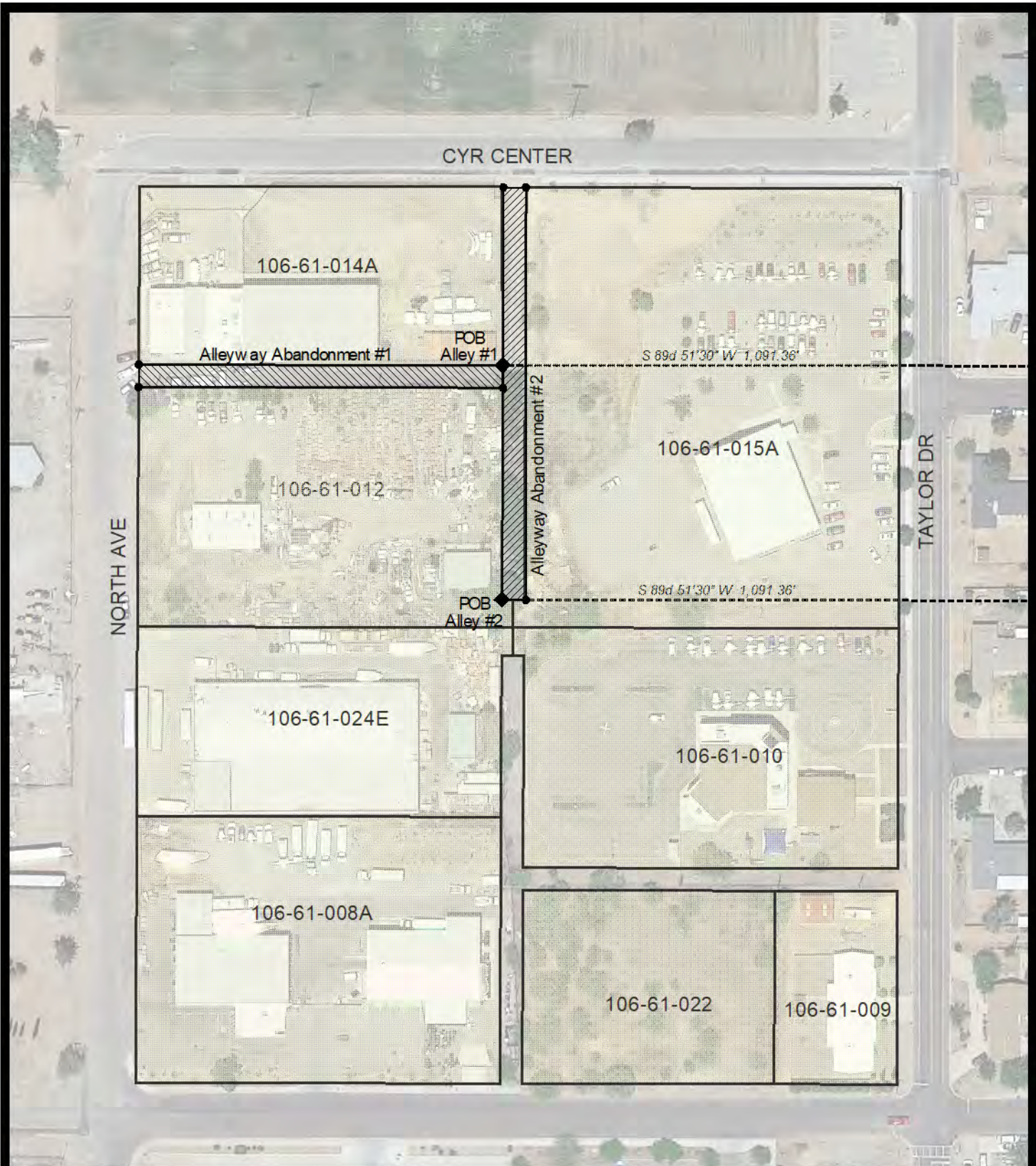
Beginning at a point which is North 00°01'15" West, a distance of 1,776.15 feet and South 89°51'30" West, a distance of 1,091.36 feet from the Southeast corner of the Northwest quarter of said Section 34;

Thence North 00°01'15" West, a distance of 367.20 feet;

Thence East 20' to the Northwest corner of Parcel I as shown in Record of Survey Book 20, Page 54 (FEE NO. 030411026);

Thence South 00°13'12" East (South 00°01'15" East,) a distance of 367.20 feet (367.20 feet;)

Thence 20' West to the POINT OF BEGINNING.



Alleyway Abandonments
 106-61-014A
 106-61-015A
 106-61-012

This map is a product of the
 City of Sierra Vista GIS

