



CITY OF SIERRA VISTA  
PLANNING AND ZONING COMMISSION  
August 15, 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. July 18, 2023

**CHAIR COMMENTS**

**CALL TO THE PUBLIC**

**OLD BUSINESS**

**NEW BUSINESS**

PUBLIC HEARING ITEM

2. Resolution 1193  
Request for a Conditional Use Permit  
Chabad of Sierra Vista  
597 E. Fry Blvd.

3. Discussion Item-General Plan Update and City Commission Involvement

**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**

July 18, 2023

CITY COUNCIL CHAMBERS

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

Council Present: Mayor Clea McCaa II  
Mayor Pro Tem Umphrey  
Councilmember Messmer

Others Present:

**ACCEPTANCE OF THE AGENDA:**

**ACCEPTANCE OF THE MINUTES:**

1. Mr. Coxworth made the motion to accept the May 16, 2023 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. Request for Rezoning

Located on the southeast corner of W. Kayetan Drive and Elledge Drive (Tax parcel # 106-62-056)  
Resolution 1191

Mr. Malone made the motion recommending Resolution 1191 to the Mayor and City Council.

*Mr. McLachlan gave the staff presentation. 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.*

*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.*

*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.*

*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.*

*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.*

*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.*

VOTE: Unanimous to approve 4-0.

3. Request for Alleyway Abandonment  
Resolution 1192  
Located between North Avenue and Cyr Center

Mr. Coxworth made the motion recommending Resolution 1192 to the Mayor and City Council.  
Seconded by Mr. Wilcox.

Mr. McLachlan gave the staff report. *He states that this is a request for abandonment of two alleyways between Cyr Center and North Avenue. The alleyways are unimproved which historically have not been maintained by the City. About 15 years ago the owner of the property north of the east/west alley installed a gate for security and to prevent graffiti. There is no record of a permit being issued for the gate. The City's Code of Ordinances prevents public alleyways from being encumbered. Therefore, it was staff's recommendation to proceed with the abandonment of the east-west segment of the alleyway and eventually the north-south segment. The east-west segment has been privatized and is being used for vehicle storage and private driveway access which services the rear entry garage of the business. SSVEC has power lines within the east-west segment and Century Link has lines within the north-south section and have requested a utility easement be recorded prior to abandonment. Staff will present the easements to City Council.*

*The City Council did recommend staff proceed with the alleyway abandonment at their May 25 meeting as per the abandonment procedures. All utility companies were notified, and all applicable staff reviewed the request. Apart from the request for utility easements, there were no objections to the abandonment.*

Mr. Snyder asked about staff's motivations for initiating the abandonment. Mr. McLachlan stated that there is no public necessity for the alleyways at this location. The original intent of the alleyways, which is to provide access to the adjacent properties, will be preserved through a reciprocal access agreement signed by all three adjacent property owners. Mr. McLachlan notes that the previous abandonment of adjacent alleyways eliminated the original circulation pattern of the alleyways.

Mr. Malone asks who will be owning the property once the alleyways are abandoned? Mr. McLachlan states that once the alleyways are abandoned, the property reverts to the adjacent property owners at the midpoint, Essentially, each property owner will receive 10 feet of the alleyway.

Mr. Malone asked about the functioning of a utility easement if the property owners constructed structures or fences over their section of alleyway. Mr. McLachlan stated that SSVEC does have a key to the existing gate to allow access to the east-west alleyway. Mr. Malone follows-up by asking if the abandonment will eliminate the access to the public? Mr. McLachlan states that the abandonment would eliminate the allowance of public vehicles from accessing the alleyways. The City does not find a need for the public to use the alleyways for circulation or access to the businesses. However, it will be beneficial from a private driveway standpoint, which is why a reciprocal access easement is being recorded.

Mr. Wilcox states that there are many alleyways in town that are not maintained or used by the City. Mr. McLachlan indicated that he was in favor of staff taking a comprehensive look at all public alleyways and determining public benefit.

Mr. Coxworth asked about the utilities within the alleyways. Mr. McLachlan added that SSVEC had lines within the east-west alleyway and CenturyLink had lines within the north-south alleyway. Mayor Pro Tem Umphrey stated that many of the utilities have been relocating from alleyways to the front of properties.

Mr. Coxworth asked if there was any responsibility by the utilities to maintain the alleyways. Mr. McLachlan said the utility companies do have the responsibility to maintain vegetation in the alleyways to ensure they can access their lines. However, issues with illegal dumping fall upon the property owners to maintain. The property maintenance code places responsibility of alley maintenance of the adjacent property owners.

Mr. Snyder opened the hearing up to the public. There being no response, Mr. Snyder closed the meeting to the public.

VOTE: Unanimous to approve, 4-0.

## **FUTURE DISCUSSION ITEMS, COMMISSION REQUESTS, AND ANNOUNCEMENTS**

### **INFORMATION**

There will be an executive report going to City Council which will provide an update on projects. The projects in the executive report include:

Independence Village Preliminary Plat approved by the City Council  
Building Code Updates from 2015 to 2018 approved by City Council.  
Circle K Site Plan Approval from DRC.  
Freddy's has not picked a building permit but are still moving forward with project.  
Tropical Smoothie is currently under construction.

Two grant funded multi-use paths (SR 90 from Foothills Dr. to Avenida Cochise and BST from Golf Links to Fry Blvd.), sidewalk improvements on the west end and street lighting in Montebello are all under design.

The City applied for grant funding for a multi-use path between Oakmont Drive and El Camino Real and between 7<sup>th</sup> Street and Coronado Drive on SR 90.

Mr. McLachlan stated that there is a survey on the website related to the General Plan Update.

### **CITY COUNCIL LIASION COMMENTS**

Mayor Pro Tem Umphrey stated:  
The City Council approved the tentative budget.  
The CDBG block grant will be awarded to three non-profits-United Way, Lori's Place, Southern Legal Aid.  
Solar benches have been installed throughout the City.  
Ribbon cutting for the new football field.  
Spotlight Breakfast is August 8<sup>th</sup>.  
The grass in Veteran's Park will improve with upgrades to water system

### **ADJOURNMENT**

The meeting was adjourned at approximately 6:05 pm.

## STAFF MEMORANDUM

<b>TO:</b>	Planning and Zoning Commission
<b>FROM:</b>	Jeff Pregler, AICP, Senior Planner
<b>THRU</b>	Matt McLachlan, AICP, Community Development Director
<b>MEETING DATE:</b>	August 15, 2023
<b>SUBJECT:</b>	PUBLIC HEARING Conditional Use Permit Chabad of Sierra Vista 597 E. Fry Blvd.
<b>REQUESTED ACTION:</b>	I move that Resolution 1193, as shown in Exhibit A, is consistent with the requirements of the Development Code and the General Plan and is hereby recommended for approval to the Mayor and City Council.

### GENERAL INFORMATION

**Request:**

Approval of Conditional Use Permit for the Chabad of Sierra Vista.

**Location:**

597 E. Fry Blvd. (Parcel ID# 106-70-085 (Building); 106-70-085A (Parking))

**Zoning:**

General Commercial

**Site Area:**

8,994 square feet MOL

## BACKGROUND

The Chabad of Sierra Vista is currently located at 228 E. Fry Blvd. The organization recently purchased property located at 597 E. Fry Boulevard to expand their offerings and services to the community. The site consists of two separate adjacent properties, with one parcel containing the parking areas and the other containing the building. The previous use of the building was also a place of worship, however, the building has been vacant for at least four years.

However, Development Code Section 151.022.006, Matrix of Permissions by Zoning District, requires a Conditional Use Permit (CUP) for a place of worship use in all zoning districts, hence the purpose of this request. The applicant immediately filed for the Conditional Use Permit upon knowing the Development Code requirement.



*Subject Property-597 E. Fry Blvd. Looking northwest from Fry Blvd.*

## REVIEW CRITERIA

No conditional use 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 characteristics of the site are suitable for the proposed use, considering size, shape, location, topography, existence of improvements, and natural features.*
- 2. The proposed development is timely, considering adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.*
- 3. The proposed use will not alter the character of the surrounding area in any manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the district.*
- 4. The proposed use satisfies those goals, objectives, and policies of the General Plan that are applicable to the proposed use.*

## ANALYSIS

### **Site Suitability:**

The church is appropriate for the area for the following reasons:

First, the surrounding properties and uses are commercial. The place of worship, which functions as a commercial use will have minimal impacts on adjacent uses as many of the businesses will be closed during services which are typically on Saturday from 10:00am to 1:00pm.

Secondly, the site is adequately parked for a place of worship. According to the Development Code, the minimum number of parking spaces for places of worship is calculated by measuring total square feet of the main sanctuary divided by 50. The main sanctuary is approximately 900 square feet which would require 18 total parking spaces. There are approximately 16 on-site parking spaces. However, the Development Code does allow for a reduction of two parking



spaces for every non required accessible parking space. For this site, only one accessible parking space is required. (1 for every 25) There are two existing accessible spaces on the site, which allows the total required parking spaces to be reduced to 16, meeting the minimum parking standard. The applicant has stated that there is an average attendance between 3-8 individuals per service. During holiday services, participation averages about 20 individuals per service. However, one vehicle will typically have at least two members attending the services, so the number of vehicles will be less.

According to the ITE Parking Generation Rates-4<sup>th</sup> Addition, a synagogue, which was the most applicable use, has a weekday value of 0.41 parking spaces per attendee. If 20 vehicles are used as the number of units, only 8 vehicles are needed to meet the parking demand. The number of units for a weekend was not provided in the ITE rates. Furthermore, any additional on-street parking will be accommodated with the construction of a new grant funded sidewalk proposed along the western side of 5<sup>th</sup> street, which will provide safe pedestrian connectivity to Chabad of Sierra Vista.

**Ability to Serve:**

There are currently two access points into the site, one from Fry Boulevard and one from 5<sup>th</sup> Street. According to the ITE Trip Generation Rates, the average Saturday vehicle trips for a place of worship per 1,000 square feet of gross floor area is 25.8 vehicles. The gross floor area of the main sanctuary is 900 sf MOL. Therefore, the average vehicle trips on Saturday will be less than 25 vehicles which can be accommodated by both 5<sup>th</sup> Street and Fry Blvd. As of this writing, the Public Works Department is in the process of determining whether the building is currently connected to sewer.

**Compatible with Surrounding Area:**

As previously stated, the surrounding zoning and land uses are commercial. Many of the businesses are closed during the services, so there should be minimal impacts of the surrounding area.

**Consistency with General Plan:**

This request does not conflict with the goals, objectives and policies of all elements of the City of Sierra Vista General Plan (VISTA 2030) and specifically satisfies the following goals:

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

Goal 13-1, Maintain, improve, and revitalize older areas of the community.

**Public Correspondence/Comment:**

The City is required to notify the public of the dates and times of the public hearings and request comment from any interested parties. Notification consisted of a mailing to all property owners within 500 feet of the applicant's property, a posted sign on the property, and a display ad in the Sierra Vista Herald. The City has received no public comments regarding the proposed use.

Staff recommends that Resolution No. 1159 be approved to allow a place of worship within an General Commercial Zoning District. The P&Z Commission can make additional modifications determined to be necessary after holding the required public hearing. The City Council will consider this matter at their regularly scheduled meeting on August 24, 2023.

RESOLUTION 1193

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, ARIZONA; REAFFIRMING VISTA 2030, THE CITY OF SIERRA VISTA GENERAL DEVELOPMENT PLAN, RECOMMENDING APPROVAL OF A CONDITIONAL USE PERMIT FOR A CHURCH, LOCATED ON PARCEL 106-70-085, AT 597 E. FRY BLVD., AS SHOWN IN EXHIBIT A; AND DIRECTING THE EXECUTIVE SECRETARY TO PERFORM ALL ACTS NECESSARY TO CARRY OUT THE PURPOSES AND INTENT OF THIS RESOLUTION

WHEREAS, the provisions of A.R.S. 9-4622.0,C.1 and Article 151.26 of the City Code, permits uses on a conditional basis to be granted by the City; and

WHEREAS, in accordance with the provisions of Article 151.26 of the City Code, the applicant, Chabad of Sierra Vista, has submitted an application for a Conditional Use Permit (CUP) for a place of worship to be located within a General Commercial Zoning District; and

WHEREAS, Article 151.26 of the City Code requires that the Planning and Zoning Commission review all applications for Conditional Use Permits, to forward recommendation on the application to the City Council; and

WHEREAS, as required by Article 151.26 of the City Code, the Chairperson and Members of the Planning and Zoning Commission held a public hearing on the application, after proper notice had been given; and

WHEREAS, the Chairperson and Members of the Planning and Zoning Commission considered all of the facts of the application and the comments of the citizens at the public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, COCHISE COUNTY, 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. Goal 13-1, maintain, improve, and revitalize older areas of the community.

SECTION 2

That the Conditional Use Permit allowing a place of worship located at 597 E Fry Blvd., as shown in Exhibit A, be, and hereby is, recommended to the Mayor and City Council.

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.

RECOMMENDED FOR APPROVAL BY THE CHAIRPERSON AND MEMBERS OF THE PLANNING AND ZONING COMMISSION OF THE CITY OF SIERRA VISTA, ARIZONA THIS 15TH DAY OF AUGUST, 2023.

\_\_\_\_\_  
BRADLEY SNYDER  
Chairperson

APPROVED AS TO FORM:

ATTEST:

\_\_\_\_\_  
NATHAN WILLIAMS  
City Attorney

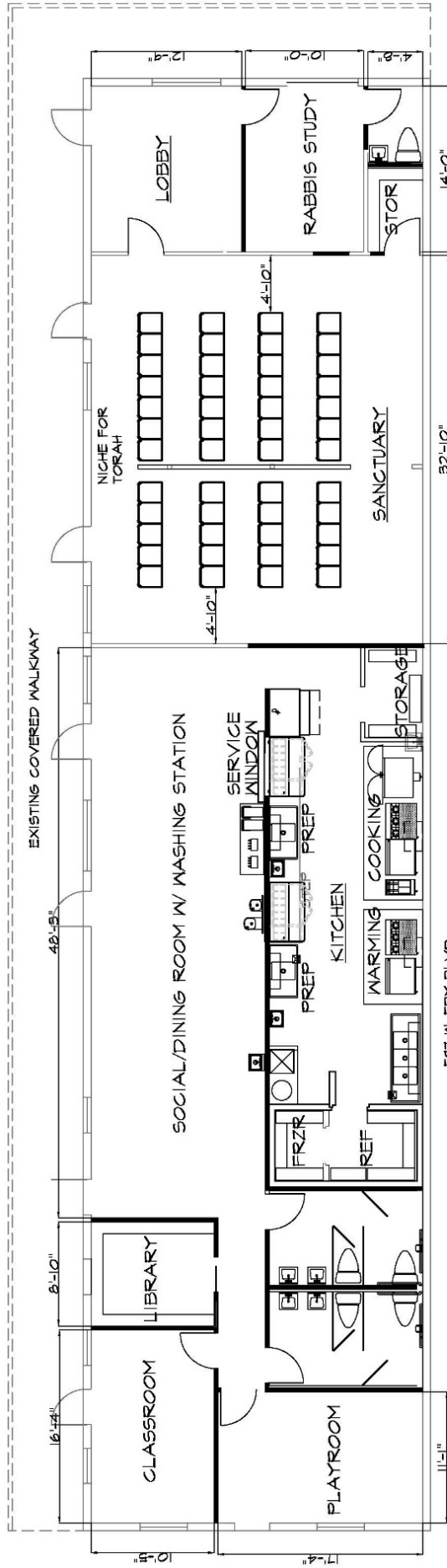
\_\_\_\_\_  
JILL ADAMS  
City Clerk

PREPARED BY:

Jeff Pregler, AICP,

EXHIBIT A





581 N. FRY BLVD  
 PRELIMINARY CONCEPTUAL PLAN  
 04/18/23