

## NAVAJO COUNTY AGENDA ITEM REQUEST FORM

<b>Meeting Date:</b> January 13, 2015	<b>Time Needed:</b> 15 minutes															
<b>Requesting Department:</b> Public Works/P&Z	<b>Presenter(s) Name:</b> Trent Larson															
<b>Motion before the Board:</b> Motion to consider approval of a Special Use Permit to allow property owner Juan Rosalez-Perez to operate an auto body repair shop on APN 212-26-082L.																
<b>Recommendation:</b> (who, what, where, when, how, etc.) Request Board action.																
<p><b>Background:</b> (why should it be done, what will happen if not approved, etc. include resolution)</p> <p>Mr. Perez has requested a Special Use Permit to operate an auto body shop on the parcel referenced above. The Planning &amp; Zoning staff has reviewed the materials submitted by Mr. Perez, the application and required documents are complete and in order. The access to the auto body shop is proposed to come through Amanda Drive; this is a residential cul-de-sac street that is not designed for high use traffic. All other commercial uses located in the area are on land zoned Commercial-Residential (C-R) and situated on Porter Mtn Road, a major collector street. This and the surrounding properties are zoned for high density, multi-family residential uses. Staff does not support the proposed land use and feels that the offensive nature of an auto body repair shop will not be conducive to the existing uses in the area. Thank you for your consideration of this request.</p>																
<b>Fiscal Impact:</b> (what will it cost, where funds will come from, is it budgeted, etc.) N/A																
<b>Reviewed and approved by:</b>	<table style="width: 100%; text-align: center;"> <tr> <td style="width: 16.6%;">County Manager</td> <td style="width: 16.6%;">County Attorney</td> <td style="width: 16.6%;">Human Resources</td> <td style="width: 16.6%;">Finance</td> <td style="width: 16.6%;">IT</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>	County Manager	County Attorney	Human Resources	Finance	IT	<input type="checkbox"/>									
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<table style="width: 100%; text-align: center;"> <tr> <th colspan="5"><b>Board Action Taken</b></th> </tr> <tr> <td style="width: 20%;">Approved</td> <td style="width: 20%;">Denied</td> <td style="width: 20%;">No Action</td> <td style="width: 20%;">Continued</td> <td style="width: 20%;">Continued to:</td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td>_____</td> </tr> </table> <p>Approved with changes as follows: _____</p>		<b>Board Action Taken</b>					Approved	Denied	No Action	Continued	Continued to:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____
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Approved	Denied	No Action	Continued	Continued to:												
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<b>Clerk's Notes</b>																
<b>Date:</b>	<b>Initial:</b>															

**REMINDER:** Email this coversheet and all backup documentation to **BOS.Clerk** by **Noon the Tuesday before the BOS meeting.**



**NAVAJO COUNTY  
PUBLIC WORKS DEPARTMENT  
Planning & Zoning**

**STAFF REPORT**

**BOARD OF SUPERVISORS**

**HEARING DATE:** January 13, 2015  
**CASE#:** 14-24  
**ACTION:** Special Use Permit  
**PROJECT NAME:** Auto Body Repair Shop

**PARCEL INFORMATION:**

**Owner/Applicant:** Juan Antonio Rosales-Perez  
**Location:** 1411 Amanda Drive in the Lakeside area  
**APN:** 212-26-082L  
**Legal Desc:** A portion of Section 24, Township 9N, Range 22E of the Gila and Salt River Meridian.  
**District:** IV - Supervisor David Tenney  
**Parcel Size:** 0.85 acres

**REQUEST:** Mr. Perez has requested a Special Use Permit to operate an auto body shop on the parcel referenced above.

**BACKGROUND & DISCUSSION:**

Mr. Perez purchased the subject parcel with the intent to develop it as commercial property knowing that he would need special approval to do so. The subject parcel has a large metal building existing on site that we were told was used by the previous owner for equipment storage. The presence of the large building is what attracted Mr. Perez to purchase the property for the purpose of converting it to an auto body repair shop. Staff met with Mr. Perez prior to him taking ownership of the property and notified him of the conflict in land use at that time. It was also recommended that he search for commercially zoned property to establish the auto body repair shop.

**GENERAL CHARACTER OF THE AREA:**

The immediate area consists of high-density residential properties and vacant undeveloped land.

**ZONING ORDINANCE:**

**Current District:** R-3 (Multi-family residential zoning district)

**Article 14**

**Section 1401 – Purpose:**

The principal purpose of this zoning district is to provide for multiple-family housing along with certain transient residential and non-residential neighborhoods in locations which are suitable and appropriate taking into consideration existing conditions, including present use of land, future land use needs and the availability of public utilities. The minimum parcel size required is six thousand (6,000) square feet in area and the minimum area required for each dwelling unit is one thousand (1,000) square feet. Principal uses permitted in this zoning district include high-density housing, hospitals and institutions of an educational, religious, charitable or philanthropic nature, private clubs and fraternal organizations, resort hotels, Manufactured home subdivisions and Manufactured Home Parks.

**RELATED ARTICLES:**

**Article 20:** Special Uses and Planned Unit Developments

**Section 2001:** Special Uses

The Board of Supervisors may permit as a Special Use the following uses in zoning districts from which they are otherwise prohibited by this Ordinance, unless any such use is further prohibited by this Article.

- 3. Automobile repair shops and garages provided all operations are conducted within a completely enclosed building.

**FINDINGS OF FACT:**

- 1. Prior to the Public Hearing, the legal notice for this item was printed in the Holbrook Tribune and placards were posted in the neighborhood, in compliance with Arizona Revised Statutes and Article 29 of the Zoning Ordinance.
- 2. The applicant has submitted the plans and supporting statement required by Section 2002(1).
- 3. The proposed use is one for which a Special Use Permit may properly be granted.
- 4. Staff has reviewed the submitted materials, site plans and related exhibits in accordance with the Navajo County Zoning Ordinance requirements for a Special Use Permit. Staff finds that the submitted documentation conforms to the requirements of the Ordinance.

**PUBLIC COMMENTS & CONCERNS:**

As of the date of preparation of this staff report, 0 comments in favor and 9 opposed have been expressed by the public.

**P&Z COMMISSION:** Planning & Zoning Commission approved a recommendation for DENIAL of this permit at the public hearing held November 20, 2014.

**COUNTY DEPARTMENT REVIEW COMMENTS:**

**COUNTY ATTORNEY'S OFFICE:** No legal objections with this proposal.  
Initial: B.C.

**ENGINEERING COMMENTS:** No objections to the proposed land use as long as all conditions listed below are met.  
Initial: B.B.

**FLOOD CONTROL COMMENTS:** No objections to the proposed land use as long as all conditions listed below are met.  
Initial: B.B.

**PLANNING & ZONING DEPARTMENT:** The Planning & Zoning staff has reviewed the materials submitted by Mr. Perez, the application and required documents are complete and in order. The access to the auto body shop is proposed to come through Amanda Drive; this is a residential cul-de-sac street that is not designed for commercial use traffic. All other commercial uses located in the area are on land zoned Commercial-Residential (C-R) and situated on Porter Mtn Road, a major collector street. This and the surrounding properties are zoned for high density, multi-family residential uses. The offensive nature of an auto body repair shop will not be conducive to the existing uses in the area. Given the location of the subject parcel in proximity to established high density residences and insufficient access for commercial use, staff does not support the proposed Special Use Permit.  
Initial: T.L.

**PLANNING AND ZONING DEPT RECOMMENDATION:** Should the Board decide to approve this Special Use Permit, staff recommends the following conditions be applied:

1. This Special Use Permit shall allow the development of an Automotive Repair Shop as shown on the site plan for Assessor's Parcel Number 212-26-082L.
2. No building or structure may be occupied for uses associated with this Special Use Permit prior to demonstrating compliance with the County, State and Federal rules applying to automotive repair work.
3. Any further development of this property shall comply with all applicable State and County ordinances, codes, rules, and regulations, including but not limited to, County Planning and Zoning, Building, Engineering, and Flood Control.
4. Material changes or modifications to the scope of this project or its site plan shall require an Amendment to this Special Use Permit by the Navajo County Board of Supervisors, upon the recommendation of the Navajo County Planning and Zoning Commission through the public hearing process.
5. Business hours of operation shall be Monday through Friday, 8:00 am to 4:00 pm.
6. A 6 foot high opaque fence shall be erected around the perimeter of the parcel to screen the operations from the adjacent residential uses.

7. The applicant shall have 12 months from the date of the Board of Supervisors approval to open the Automotive Repair Shop for business. Failure to do so will render this permit null and void. If at any time the operations of the body shop granted by this permit cease for the period of 12 consecutive months, this permit becomes null and void.
8. This Special Use Permit is exclusive to the applicant, Juan Antonio Rosales-Perez. It is nontransferable and shall not run with the land.



NAVAJO COUNTY PUBLIC WORKS DEPARTMENT

PLANNING & ZONING

Post Office Box 668 - 100 East Code Talkers Drive

Holbrook, Arizona 86025

(928) 524-4100 FAX (928) 524-4122

www.navajocountyaz.gov

SPECIAL USE PERMIT APPLICATION

(also to be used for an Amendment to an approved/existing Special Use Permit)

SITE & PROPOSAL INFORMATION:

PROJECT NAME: Auto Body Shop

PROPOSED USE OF PROPERTY: Auto Body Shop

SPECIAL USE CATEGORY: Automobile repair shops and garages

LOCATION (include nearest town/community): Lakeside AZ

GENERAL DIRECTIONS TO PARCEL: 212-26-082L

ADDRESS (if known): 1411 Amanda Drive

PROPERTY SIZE: acres; 0.853 A.C.# square feet

LEGAL DESCRIPTION: Township 9N North, Range 22E East, Section(s) 24

ASSESSOR PARCEL NO.: 212-26-082L

SUBDIVISION NAME: N/A LOT #:

PRESENT USE OF PROPERTY:

CURRENT ZONING: R-3

PROPOSED ZONING:

OWNER & CONTACT INFORMATION:

OWNER'S NAME: Juan Antonio Rosales Perez

OWNER PHONE NO.: (928) 358-0937 FAX #:

OWNER EMAIL ADDRESS: N/A

OWNER MAILING ADDRESS: P.O. Box 2545

CITY: Lakeside STATE: AZ ZIP CODE: 85929

DATE OF OWNERSHIP: 4-30-14

CONTACT NAME:

COMPANY NAME:

CONTACT PHONE NO.: FAX #:

CONTACT EMAIL ADDRESS:

CONTACT MAILING ADDRESS:

CITY: STATE: ZIP CODE:

**OWNER'S AFFIDAVIT:**

I, (print name) Juan Antonio Rosales, being duly sworn, depose and say that I am the owner of the property involved in this application and that the information herewith submitted is true and correct to the best of my knowledge.

Juan Antonio Rosales  
Owner's Signature

STATE OF Arizona )  
COUNTY OF Navajo ) SS

Sworn and subscribed before me on this 31<sup>st</sup> Day of July, 2014

Keith Decinko  
Notary Public  
Keith Decinko  
Notary Public  
Navajo County, Arizona  
My Comm. Expires 01-18-15

Jan 18 2015  
My Commission Expires

**For Staff use only:**

Accepted by: \_\_\_\_\_ Date: \_\_\_\_\_

Submittal Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Fee: \_\_\_\_\_

Case #: \_\_\_\_\_

Planning Commission: \_\_\_\_\_ Action: \_\_\_\_\_

Board of Supervisors: \_\_\_\_\_ Action: \_\_\_\_\_

Notes / Stipulations: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

7/24/14

The reason I am applying for the Special Use Permit is to open an auto body shop. The benefits that the area would have is that there would be some new job opening for people in the community with this Special Use Permit. The idea for this and the main purpose is so that the community can take advantage of an auto body shop that will be affordable. If I was granted the Special Use Permit the schedule for the development would be filling out all the right paper work to get started and would only be open Monday - Friday 8am - 4pm.

Juan Antonio Rosales 7/24/14  
*Juan Antonio Rosales*

# SITE PLAN

Navajo County Assessor's parcel no. 212-26-082L located in Section 24, Township 9 North, Range 22 East of the Gila and Salt River Meridian, Navajo County, Arizona.

For the purpose of retracing describing the area of the lot and improvements for the Surveyed for Juan Rosales, property owner

Notes:

1. Basis of Bearings: From the South 1/16th Corner of Sections 23 and 24 to the Quarter corner of Sections 23 and 24, per the results of Survey recorded as Book 21 of Surveys, Page 81, records of Navajo County.

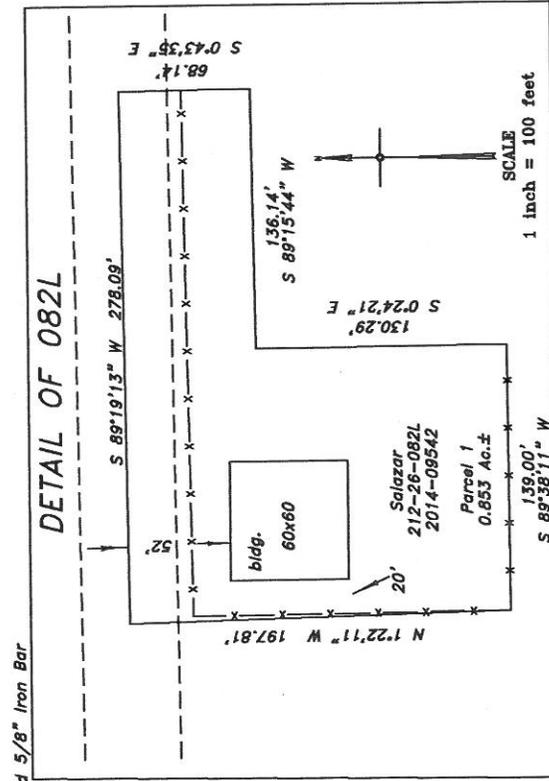
Line data	Set	Length	Bearing
L3	S00°43'35"E	68.23'	S00°43'35"E
L4	S00°43'35"E	159.44'	S00°43'35"E
L5	S00°43'35"E	158.43'	S00°43'35"E
L6	S00°43'35"E	157.42'	S00°43'35"E
L7	S00°43'35"E	109.41'	S00°43'35"E
L12	N00°24'21"W	125.06'	N00°24'21"W
L13	N89°15'44"E	138.80'	N89°15'44"E
L14	N00°24'21"W	157.42'	N00°24'21"W
L15	N89°15'44"E	137.91'	N89°15'44"E
L16	N00°24'21"W	158.43'	N00°24'21"W
L17	N89°15'44"E	137.03'	N89°15'44"E
L18	N00°24'21"W	29.16'	N00°24'21"W
L19	N89°15'44"E	130.29'	N89°15'44"E
L20	N89°15'44"E	136.14'	N89°15'44"E
L21	S89°38'11"W	139.00'	S89°38'11"W

Line data	Measured	Record	Length	Bearing
L1	S88°42'59"W	NO RECORD	46.60'	S88°42'59"W
L2	N89°21'20"E	145.50'	N89°21'20"E	N89°21'20"E
L8	S00°22'37"E	145.50'	S00°22'37"E	S00°22'37"E
L9	S89°07'54"W	28.00'	S89°07'54"W	S89°07'54"W
L10	N00°22'25"W	129.57'	N00°22'25"W	N00°22'25"W
L11	S89°15'44"W	111.00'	S89°15'44"W	S89°15'44"W
L22	N01°22'11"W	189.93'	N01°22'11"W	N01°22'11"W
L23	N89°18'07"E	278.00'	N89°18'07"E	N89°18'07"E

Quarter Corner, Sections 23/24, Found 3.5" Aluminum Cap LS 13013

SCALE 1 inch = 200 feet 1:2400

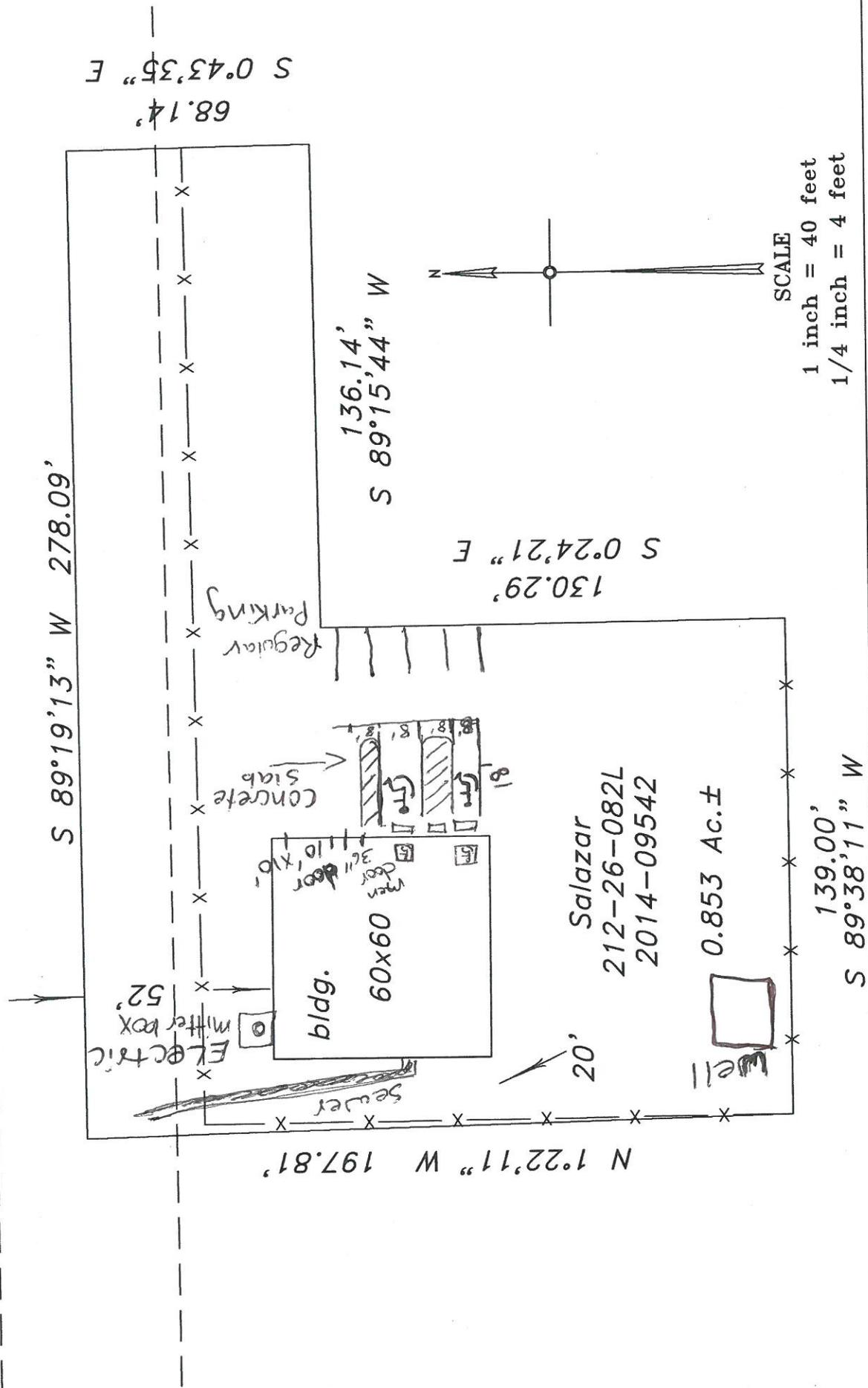
Peterson  
212-26-085  
2004-09339



Found 5/8" Iron Bar

Found 1/2" Iron Bar

# DETAIL OF 082L







Google earth

**RESOLUTION NO. \_\_\_\_\_ - 15**

**A RESOLUTION OF THE NAVAJO COUNTY BOARD OF SUPERVISORS APPROVING A SPECIAL USE PERMIT FOR AN AUTO BODY REPAIR SHOP**

**WHEREAS**, an application for a Special Use Permit was duly filed on July 31, 2014 by Juan Antonio Rosales-Perez requesting a Special Use Permit on the subject parcel to open an Auto Body Repair Shop; and

**WHEREAS** the application concerns the following real property in Navajo County: APN: 212-26-082L in T9N, R22E, Section 24, of the Gila and Salt River Meridian, in the Lakeside area; and

**WHEREAS**, the applicant has the legal right to use the above described property according to a Special Warranty Deed recorded in the Office of the Navajo County Recorder on July 23, 2014 as Fee No. 2014-09542; and

**WHEREAS**, the application was considered by the Navajo County Planning & Zoning Commission at a duly noticed public hearing held on November 20, 2014; and

**WHEREAS**, the Board of Supervisors, after considering the testimony and other evidence presented at the hearing, as well as the recommendations of staff and the Commission, found that the Zone Change was consistent with the public health, safety and general welfare and should be approved subject to the conditions set forth herein.

**NOW, THEREFORE, BE IT RESOLVED** that the Navajo County Board of Supervisors hereby APPROVES the Special Use Permit for this property subject to the following conditions:

1. This Special Use Permit shall allow the development of an Automotive Repair Shop as shown on the site plan for Assessor's Parcel Number 212-26-082L.
2. No building or structure may be occupied for uses associated with this Special Use Permit prior to demonstrating compliance with the County, State and Federal rules applying to automotive repair work.
3. Any further development of this property shall comply with all applicable State and County ordinances, codes, rules, and regulations, including but not limited to, County Planning and Zoning, Building, Engineering, and Flood Control.
4. Material changes or modifications to the scope of this project or its site plan shall require an Amendment to this Special Use Permit by the Navajo County Board of Supervisors, upon the

recommendation of the Navajo County Planning and Zoning Commission through the public hearing process.

5. Business hours of operation shall be Monday through Friday, 8:00 am to 4:00 pm.
6. A 6 foot high opaque fence shall be erected around the perimeter of the parcel to screen the operations from the adjacent residential uses.
7. The applicant shall have 12 months from the date of the Board of Supervisors approval to open the Automotive Repair Shop for business. Failure to do so will render this permit null and void. If at any time the operations of the body shop granted by this permit cease for the period of 12 consecutive months, this permit becomes null and void.
8. This Special Use Permit is exclusive to the applicant, Juan Antonio Rosales-Perez. It is nontransferable and shall not run with the land.

**PASSED, APPROVED AND ADOPTED** by the Board of Supervisors by a vote of \_\_\_\_\_ yeas and \_\_\_\_\_ nays on January 13, 2015.

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**Chairman, Navajo County  
Board of Supervisors**

**ATTEST:**

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**Melissa Buckley, Clerk of the Board**

RESOLUTION NO. \_\_\_\_\_ - 15

**A RESOLUTION OF THE NAVAJO COUNTY BOARD OF SUPERVISORS DENYING A SPECIAL USE PERMIT FOR AN AUTO BODY REPAIR SHOP**

**WHEREAS**, an application for a Special Use Permit was duly filed on July 31, 2014 by Juan Antonio Rosales-Perez requesting a Special Use Permit on the subject parcel to open an Auto Body Repair Shop; and

**WHEREAS** the application concerns the following real property in Navajo County: APN: 212-26-082L in T9N, R22E, Section 24, of the Gila and Salt River Meridian, in the Lakeside area; and

**WHEREAS**, the applicant has the legal right to use the above described property according to a Special Warranty Deed recorded in the Office of the Navajo County Recorder on July 23, 2014 as Fee No. 2014-09542; and

**WHEREAS**, the application was considered by the Navajo County Planning & Zoning Commission at a duly noticed public hearing held on November 20, 2014; and

**WHEREAS**, the Board of Supervisors, after considering the testimony and other evidence presented at the hearing, as well as the recommendations of staff and the Commission, found that the Zone Change was not consistent with the public health, safety and general welfare and should not be approved.

**NOW, THEREFORE, BE IT RESOLVED** that the Navajo County Board of Supervisors hereby DENIES the Special Use Permit for this property.

**PASSED, APPROVED AND ADOPTED** by the Board of Supervisors by a vote of \_\_\_\_\_ yeas and \_\_\_\_\_ nays on January 13, 2015.

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**Chairman, Navajo County  
Board of Supervisors**

**ATTEST:**

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**Melissa Buckley, Clerk of the Board**