



Cochise County
Community Development
 Planning, Zoning and Building Safety Division

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Development Director
SUBJECT: Docket SU-18-08 (Kropf)
DATE: April 26, 2018 for the May 9, 2018 Meeting

APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant requests Special Use Authorization to expand a home-based wood and metal working business (Home Occupation, HO 17-25) into larger structures such as sheds, cabins, garages, and similar structures. The concept plan identifies the existing 1,000 square foot concrete slab and 858 square foot workshop/shed used to construct the structures. Lumber and other materials may be stored outside but will be screened from neighbor view with existing vegetation. Manufacturing, not to exceed 5,000 square feet (607.17) is allowed subject to the approval of this Special Use request. The 40.5-acre site is on parcel 104-80-024B, 11660 S. Rough Rider Road.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 40.42 acres
 Zoning: RU-4 (Rural; one dwelling 4 acres)
 Growth Area: Category D
 Comprehensive Plan Designation: Rural Density Residential
 Area Plan: Southern San Pedro Valley Area Plan
 Existing Uses: Rural Residential, home based business
 Proposed Uses: Single family home, sheds, shed/barn manufacturing

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Rural Residential/ Vacant/ Horse Ranch
South	RU-4	Rural Residential/Vacant/Mexico
East	RU-4	Rural Residential/Vacant
West	RU-4	Vacant

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

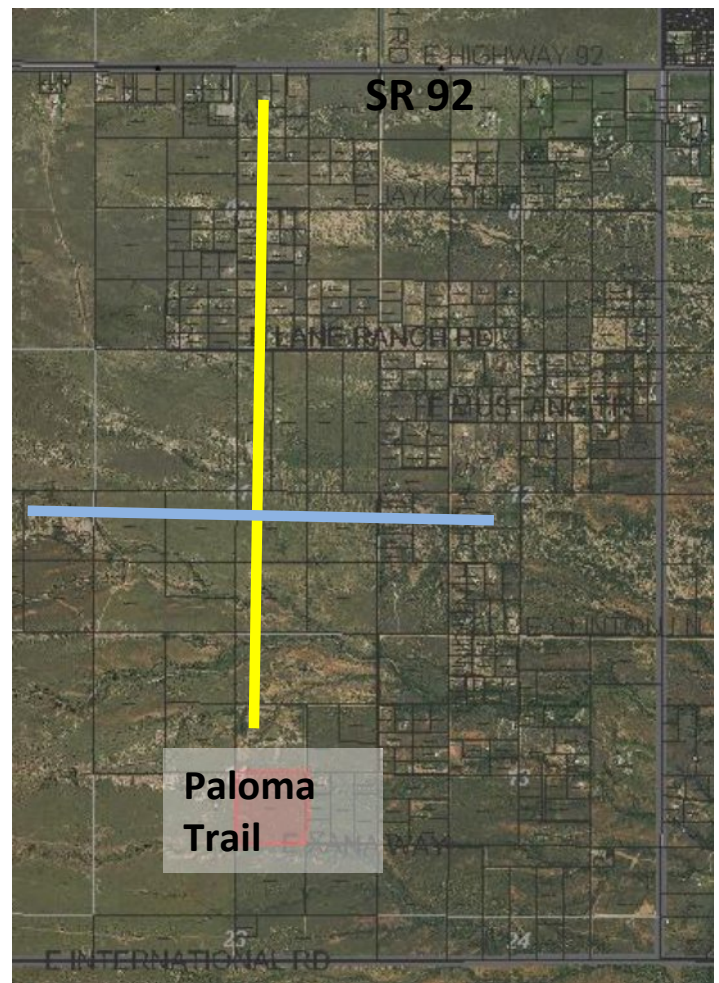
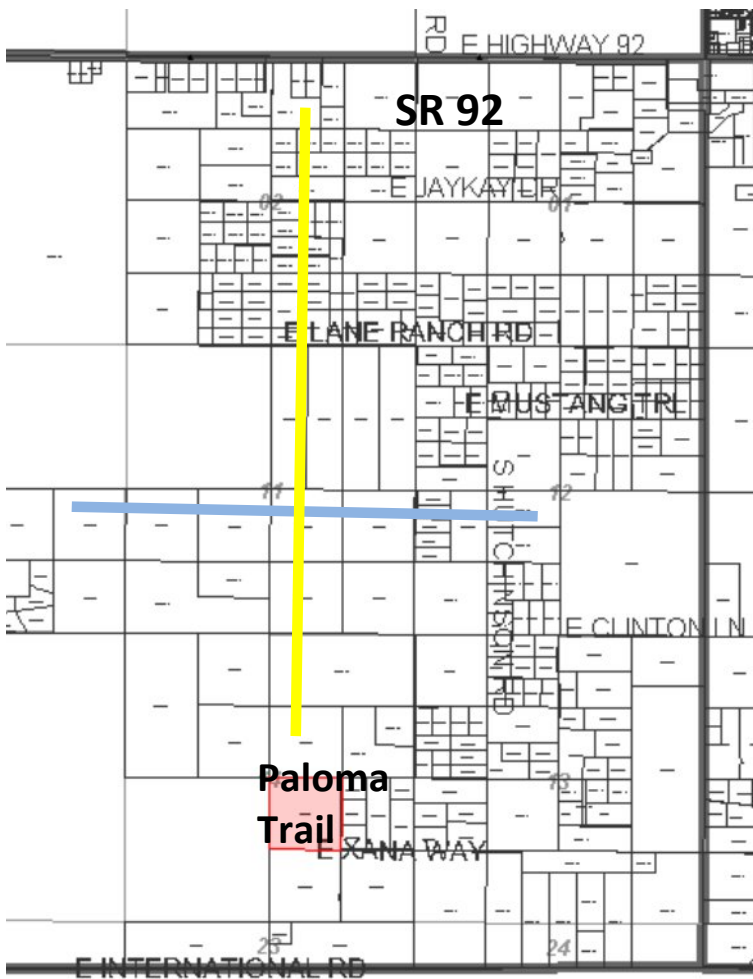
Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

II. PARCEL HISTORY

2017 – Single Family Home Permit, patio, storage, workshop, septic

III. NATURE OF REQUEST

The Applicant requests Special Use Authorization to expand a home-based wood and metal working business (Home Occupation, HO 17-25) into larger structures such as sheds, cabins, garages, and similar structures. The concept plan identifies the existing 1,000 square foot concrete slab and 858 square foot workshop/shed used to construct the structures. Lumber and other materials may be stored outside but will be screened from neighbor view with existing vegetation. Manufacturing, not to exceed 5,000 square feet (607.17) is allowed subject to the approval of this Special Use request. The 40.5-acre site is on parcel 104-80-024B, 11660 S. Rough Rider Road.



Location Map

Aerial

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Authorization, as well as to determine what Conditions and/or Modifications may be needed.

With the information provided, eight of the ten factors apply to this request. The project, as submitted, fully complies with two of the factors, and partially complies with three others. With the recommended conditions and modifications, the project complies with two additional factors. The project does not comply with one factor.

A. Compliance with Duly Adopted Plans: Partially Complies

The project site is located in Category D, Rural Density Residential area. The Rural Residential describes areas with a definite pattern of residential development on lots two acres or greater. The Comprehensive Plan goes on to State "Due to well-established residential character of these areas, rezonings or *Special Uses* to allow more intensive developments that do not



directly serve the residents of the area are ***not generally appropriate***". The area has minimal residential development on wildcat splits. The lots range from four plus. The area does not exhibit a "definitive pattern of residential development", insofar as the lots sizes widely range, homes are scattered, and a Commercial horse breeding/stable is also located on Rough Rider, north of the proposed use.

The project site is also located within the Southern San Pedro Valley Area Plan. The Business and Industry Goal states "New non-residential development should complement the rural, small town, recreational and ranching character of the valley". There are 5 Policies within the Plan used to implement the goal.

Policy 1: The first policy wishes to maintain existing development patterns by directing business to areas that are already developed. The request does not comply with this policy, as the area where the use is located is largely undeveloped. However, the applicant is constructing a single-family home and several storage buildings on the parcel. The applicant obtained a Home Occupation to construct small structures such as dog houses and chicken coops. The business has grown and now includes barns and sheds. There have been no complaints received



regarding noise or additional traffic in the area. Any expansions beyond the scope of this application will require review and possible modification to the Special Use.

Policy 2: Does not apply as a rezoning is not requested or required for the proposed project.

Policy 3: Does not apply as there are no existing commercial structures on the site.

Policy 4: Policy four states that Special Uses are acceptable if they have no off-site negative impacts. The policy goes on to further describe the types of special uses considered appropriate in the Plan Area. These include resorts, guest ranches, and group camps, rural density RV parks/campgrounds and recreational uses designed to primarily serve the plan area. The use does not fall into any of these categories, however, there are minimal offsite impacts. The area of work is

setback at least 380 feet from the closest property line. As previously stated, the applicant has already been constructing structures with **no** complaints received.

Policy 5: Policy five states that industrial uses are considered more suitable in the Sierra Vista employment center where the infrastructure exists to support such activities. The area plan and zoning regulations do not define industrial uses. Though the applicant is building chicken coops, sheds, barns, etc. it is a family business, built one at a time rather than a major production. Tools, such as table saws, circular saws, and drills (similar to what is typical in a home garage) are used for the business. The sheds are delivered on a



trailer and with a truck not larger than some used for horse or cattle.

B. Compliance with the Zoning District Purpose Statement: Partially Complies

The purpose statement of the Rural Zoning District in Article 6 includes seven points. Section 601.02 encourages non-residential uses which serves local need or provides a service that are compatible with rural living. The sheds are being sold offsite, but locally and are the types of structures that are common in the rural areas. The proposed use is small in scale with only family members participating in the construction. This limits the number of sheds that can be produced. A local property owner stated that the horse stable located north of the proposed application contributes more traffic than seen from this application.



C. Development along Major Streets: Not Applicable

The proposed use is located on Rough Rider Road. The site is over 2.5 miles south of Highway 92 on a series of non-County Maintained Roads. Only the existing residential access on Rough Rider is proposed.

D. Traffic Circulation Factors: Complies

This site, as proposed, includes one single family residential unit with an estimated 1,858 square footage of workspace and potentially up to 5 family member employees. Combined range of traffic impact is likely to be 17.19 to 31.54 vehicle trips per day (8 to 15 vehicles in/out on any given day), per the *ITE Manual, 9th edition*.

The 40.5-acre could, if developed into 4-acre residential lots have a potential range of 43.1 to 218.5 vehicle trips per day, if fully built out and occupied. As proposed, the site itself would typically have the equivalent of the high-end range of one single residential unit. However, the heavier truck traffic, for the most part of similar size and weight as horse trailers or tractors used

in the area, can potentially have an impact on the roadway due to their larger turning radii requirements. The additional axles spread out the weight but then impact the roadway like several vehicles might, depending on the number of axles and their loaded weight. Although the number proposed at this time is

not excessive (2 larger semi-trucks per year, 1-2 trucks per week) the applicant is advised that they do not have easy access to a maintained roadway network. Per Zoning Code 1807.02A, the applicant would be responsible to participate with other neighbors for maintenance of the roadways that their business operations would use.

E. Adequate Services and Infrastructure: Partially Complies

The site is accessed via Rough Rider Road and a series of approximately 2.5 miles of non-maintained roads from State Route 92. There are several washes that that the applicant must cross. During rain events it may be impossible for the applicant to reach their home. However, the public is not invited to the site and therefore, the only impacts would be to the Applicant.

The applicant is off-grid and provides their own water electric and a septic system.

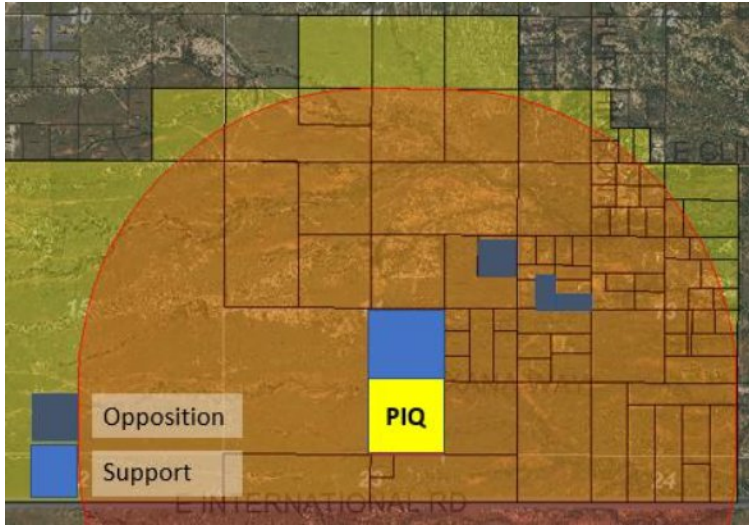
F. Significant Site Development Standards: Complies with Conditions and modification

The site plan presented complies with most development standards. The structures are more than 380 feet to any property line, which exceeds the required 20 feet. The Applicant will have no customers onsite and will only employ up to five family members. Deliveries of materials to the site will be limited and not exceed what is currently occurring. Based on these factors staff recommends approval of residential standards for parking, parking and driveway materials and screening.

Transportation Staff is recommending the site plan submitted for the non-residential permit application show a full commercial apron width of 24 feet with a 35-foot radius in order to accommodate the larger trucks needed for hauling the completed structures off the site. This can remain a native surface. In reference to the screening, existing mesquite trees, shed and the single-family home provide screening and buffers surrounding properties south and east.



G. Public Input: Does not Comply



The Applicant mailed letters to property owners within 1 mile of the property prior to application submittal. The Planning Department mailed letters to the same property owners within 1 mile of the subject property, published a legal ad in the *San Pedro Valley News-Sun* and posted legal notices on the property. To date, staff has received three letters of opposition from property owners within that radius and one letter of support. The concerns and objections raised by the nearby property owners include noise, access, traffic and future expansion. Approximately 69 letters were mailed to property owners within the mile. A total of four responded, which is a low

response. Three of the four letters are in opposition and therefore the project does not comply with this factor.

H. Hazardous Materials: Not applicable

There will not be any potentially hazardous materials used on the site.

I. Off-Site Impacts: Complies with Conditions

The closest structure will be at least 380 feet from the property line, limiting visual impacts to the surrounding neighbors. Minimal outdoor lighting is provided and will comply with County’s Outdoor Lighting Ordinance. There will be occasional noise from tools being operated, however distance, existing home, and vegetation will minimize these impacts. The Applicant could construct ten single family homes on the 40.5-acre parcel. Vehicle trips could range from 43.1 to 218.5 vehicle trips per day, if fully built out and occupied. As proposed, the site itself would typically have the equivalent of the high-end range of **one** single residential unit. The existing truck traffic will continue, however the truck and trailer used is equivalent to the size, scale and weight of the horse trailers utilized by many neighbors and guests. A condition has been placed requiring a private maintenance agreement for all non-County maintained roads used.

J. Water Conservation: Complies

The project site is located within the Sierra Vista Sub-Watershed. The single-family home and accessory structures have been reviewed and conditioned to be in Compliance.

V. PUBLIC COMMENT

Staff mailed notices to neighboring property owners within 5,280 feet of the subject property on April 12, posted the property on April 11, and published a legal notice in the *San Pedro Valley News-Sun* on April 17, 2018. In response to applicant and County mailings, the Planning Department received three letters of opposition and one letter of support from surrounding property owners.

VI. SUMMARY AND CONCLUSION

The Applicant requests Special Use approval to authorize manufacturing of sheds, barns and similar structures. The parcel is over 40 acres in size, and the development is located near the center, at least 380 feet from the closest property line. The business is family owned and operated, with only family members employed at the site. No customers are permitted on the site. The structures are currently being sold from a commercial location along SR92. No complaints have been received from surrounding property owners while the applicant had the Home Occupation.

Factors in Favor of Approving the Special Use

1. The area of construction is at least 380 feet away from the closest property line and screened by the existing residence and vegetation;
2. No customers will come to the site;
3. Only members of the family will be involved with the business;
4. One letter of support, from the adjacent property to the north was received.

Factors Against Allowing the Special Use

1. The Planning Department has received three letters in opposition to the request from neighboring property owners;
2. The project does not comply with one of the Special Use Factors.

VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Approval** of the Special Use request.

Should the Commission approve the Application, staff recommends the following Conditions:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject properties within thirty (30) days of approval of the Special Use Permit. Prior to permit issuance, the Applicant shall submit and obtain building/use permits within 12 months of approval, including a completed joint permit application. The building/use permit(s) shall include a site plan in conformance with this approval and meeting all site development standards (except those specifically waived or modified by the Planning Commission as part of this approval), the completed Special Use Permit questionnaire, and appropriate fees. A permit must be issued within 18 months of approval, otherwise the approval may be deemed void upon 30-day notification to the Applicant;
2. At the Commercial Permit phase, the applicant will be required to submit a Private Maintenance Agreement, per Zoning Code 1807.02A, for segments of roadway from their driveway to Highway 92.
3. In conjunction with the Commercial Permit Submittal, the Applicant shall provide a clear site plan demonstrating proper driveway width at Rough Rider Road;

4. It is the Applicant's responsibility to obtain any additional permits or meet additional conditions, if any, that may be applicable to the proposed activities pursuant to other federal, state, or local laws or regulations; and
5. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission.

Sample Motion:

Mr. Chairman, I move to approve Special Use Docket SU-18-08, with the Conditions of Approval and Modifications recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.

VIII. ATTACHMENTS

- A. Complete Staff Report
- B. Application
- C. Public Response
- D. Agency Response