



**Cochise County**  
**Community Development**  
 Planning, Zoning and Building Safety Division

Public Programs...Personal Service  
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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-18-05 (Campos)  
**DATE:** March 28, 2018 for the April 11, 2018 Meeting

**APPLICATION FOR A SPECIAL USE AUTHORIZATION**

The Applicant requests Special Use Authorization to establish a campground, yoga studio and related activities. The concept plan includes three tents and two earthbag domes (each less than 200 square feet), Restroom/shower building, a 2,500 square foot Yoga/meditation/retreat room, Art studio, chicken coop, greenhouse and a single family home. Guest lodging (607.01), Personal/Professional Services (607.26) and Recreational Facilities (607.08) are allowed subject to the approval of this Special Use request. The 20 acre site is on parcel 104-84-028B on E Javelina Trail, west of Paloma Trail.

**I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES**

Parcel Size: 20 acres  
 Zoning: R-U (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  
 Proposed Uses: Single family home, Five tents, yoga studio and related activities

**Zoning/Use of Surrounding Properties**

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

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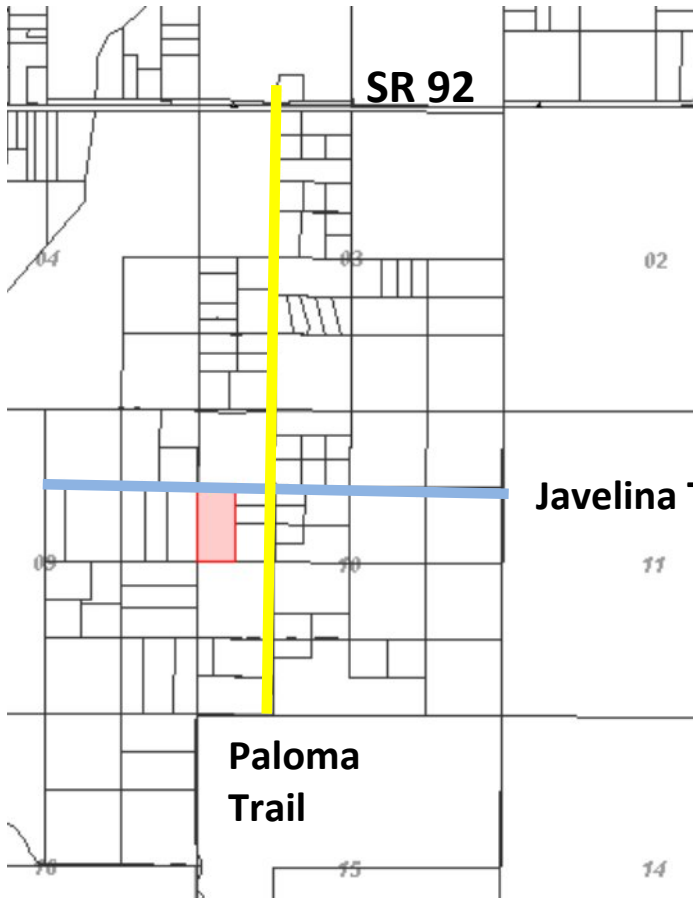
**II. PARCEL HISTORY**

2018 – Single Family Home Permit issued

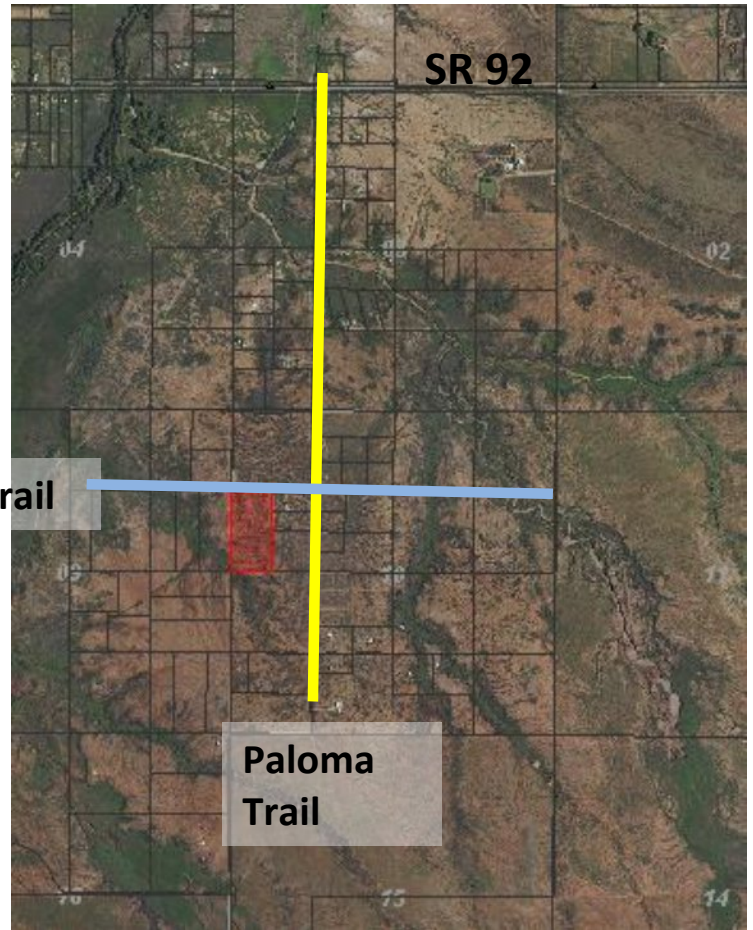
**III. NATURE OF REQUEST**

The Applicant requests Special Use Authorization to establish a campground, yoga studio and related activities. The concept plan includes three tents and two earthbag domes (each less than 200 square feet), Restroom/shower building, a 2,500 square foot Yoga/meditation/retreat room, Art studio, chicken coop, greenhouse and a single family home. Guest lodging (607.01), Personal/Professional Services (607.26) and Recreational Facilities (607.08) are allowed subject to the approval of this Special Use request. The 20 acre site is on parcel 104-84-028B on E Javelina Trail, west of Paloma Trail.

The applicant has obtained a permit to construct her personal residence and intends to live on the site with the proposed use.



*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 two others. With the recommended conditions and modifications, the project complies with two additional factors. The project does not comply with the two factors.

##### **A. Compliance with Duly Adopted Plans: Does Not Comply**

The project site is located in Category D, Rural Density Residential area. The Rural Residential describes areas the a definite pattern of residential development on lots two acres of 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 project proposes to invite folks from areas outside of the neighborhood to camp or participate in Yoga or other activities and therefore would not comply.

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 Yoga Studio could be located in an existing business designated area and not located within the residential area.

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 uses 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 applicant is proposing a low density campground which would comply, however personal and professional services (Yoga studio open to the general public) are not listed as an appropriate use.

##### **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 camping portion of the project would not necessarily serve local need, but at the scale proposed it would be compatible with the rural area. The yoga studio could provide a local service, however there are more appropriate areas located in closer proximity to Highway 92.

### **C. Development along Major Streets: Not Applicable**

The proposed use is located on Javelina Trail, Off of Paloma Trail over a mile from State Route 92. Both roads are not County Maintained. Only one access is proposed on Javelina Trail.

### **D. Traffic Circulation Factors: Complies**

The parcel is designated as RU-4, which allows one home per four acres. Trip generation, for no more than 5 recreational campsites, combined with the primary residential unit, is estimated to be 26.54 vehicle trips per day, per the *ITE Manual, 9<sup>th</sup> edition*,

which is just slightly higher than the high end of one single family residential use. The yoga/meditation center, at peak use might range from 57 to 91 vehicle trips per day, *per the ITE Manual 9<sup>th</sup> edition*, but as this proposal leans towards individual use or combined with the tent camping use, is likely to be on the low end of that range and not likely every day. This use is likely to increase the trip generation from this parcel slightly beyond that of the high end of the range for a single residential unit but not during peak hours and would be intermittent in nature. Total site trip generation is likely to range from 9 to 20 vehicle trips on any given day.

This site, if built out to its full residential capacity, under current zoning, would have the potential to generate a range of 47 to 110 vehicle trips per day. This proposal is unlikely to exceed the threshold of expected vehicle trips under a residential use.

### **E. Adequate Services and Infrastructure: Partially Complies**

The site is accessed via E. Javelina Trail and S. Paloma Trail from State Route 92. The parcel is over one mile south of State Route 92 on non-county maintained roads. The citizens in the area have an informal group that pulls funds to have the road periodically graded. There are several washes that Paloma Trail crosses, one being significant. During rain events it is not uncommon for access in the area to be cut off until the rain recedes, and road is repaired. The applicant identified this as a concern and will close her business during monsoon season. However, it rains at other times of the year which could result in guests being trapped at the location. Staff received input from the Cochise County Sherriff and Bisbee EMS. Both agencies acknowledged that during certain times the area is not accessible.

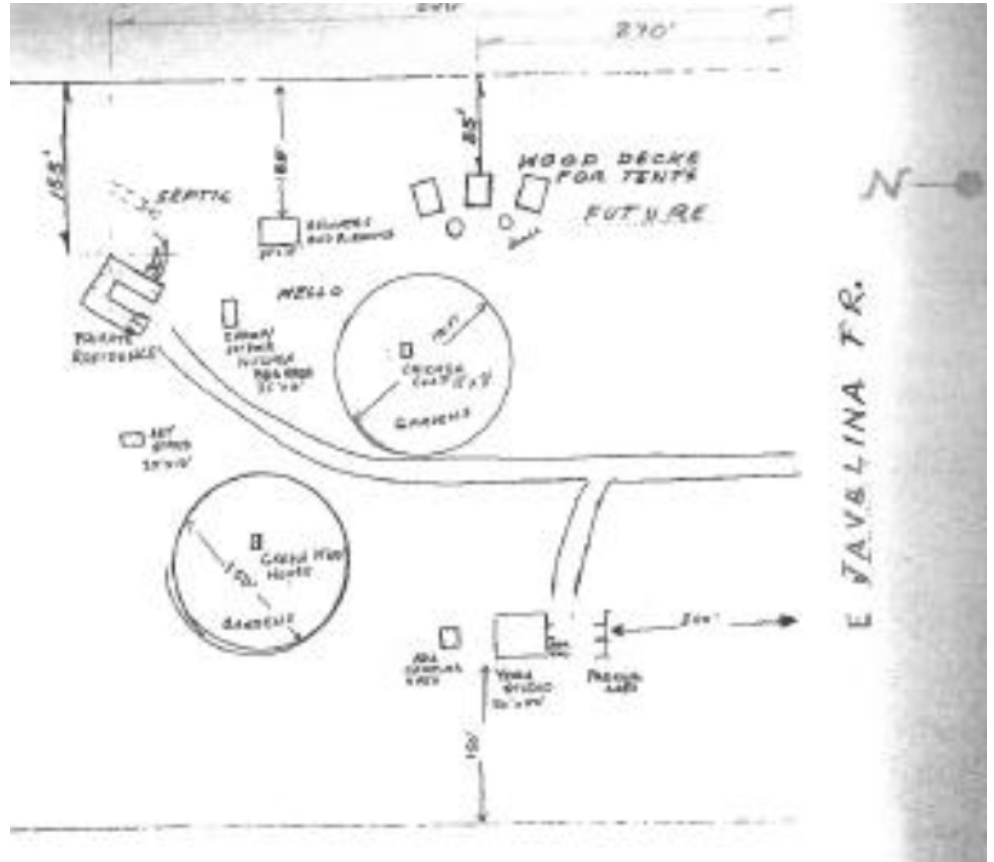
Should the Planning Commission approve the request, Staff would recommend a condition of approval, that would require the applicant to contribute to the local road improvement group an amount equal to five single family residences.

The applicant will be off-grid and provide water through a well, solar electric and a septic system.



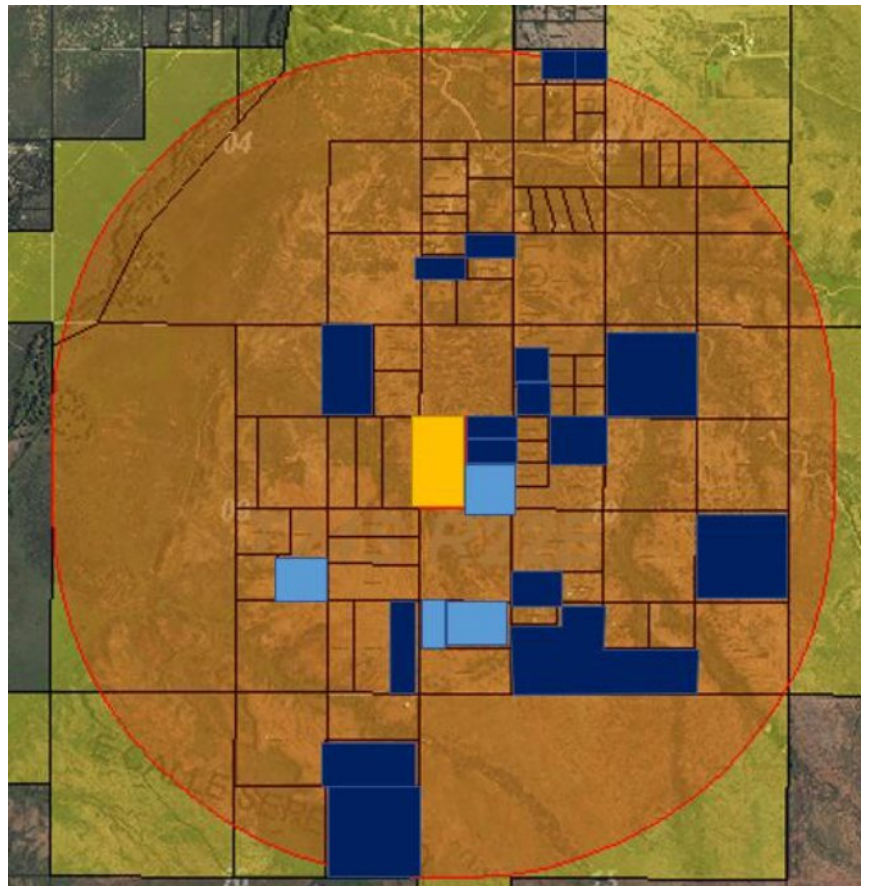
**F. Significant Site Development Standards: Complies with Conditions and modification**

The site plan presented complies with most development standards. The structures are no closer than 85 feet to any property line, the proposed parking will be gravel and includes a paved accessible parking space. If, the Commission approves this Docket, staff is recommending a modification to the screening requirement. A six foot tall solid screen would be more obtrusive than the use itself. The native landscaping and the large setbacks provide adequate screening. The applicant is conditioned to provide a site plan, clearly showing the parking with the Commercial Permit Review.



**G. Public Input: Does not Comply**

The Applicant mailed letters to property owners within 1 mile of the property prior to application submittal. The Applicant received three emails in support (One has reversed support) and one phone call in support. 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 eleven letters of opposition from property owners within that radius. Four letters of support have been received by property owners within the radius and one from Saint David. The concerns and objections raised by the nearby property owners include noise, access, traffic, participation in the road improvements, customers with PTSD, and credentials of the applicant.



**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 85 feet from the property line, limiting visual impacts to the surrounding neighborhoods. The applicant is proposing water harvesting to help water the proposed gardens. No outdoor lighting is shown, however the project is required to comply with the County's Outdoor Lighting Ordinance. There will be occasional noise from campers and visitors to the Yoga Studio, however the activities are located away from adjacent properties and would be akin to family gatherings. The traffic impact would be similar to that of 5 single family homes being constructed on the lot, which the zoning permits.

**J. Water Conservation: Complies**

The project site is located within the Sierra Vista Sub-Watershed. If approved, the Applicant would be required to demonstrate compliance with applicable water conservation policies at the commercial permit phase for any new construction.

**V. PUBLIC COMMENT**

Staff mailed notices to neighboring property owners within 5,280 feet of the subject property on March 8, posted the property on March 22, and published a legal notice in the *San Pedro Valley News-Sun* on March 21, 2018. In response to applicant and County mailings, the Planning Department received eleven letters of opposition from property owners within the notification radius, four letters of support from surrounding property owners and another from Saint David.

**VI. SUMMARY AND CONCLUSION**

The Applicant requests Special Use approval to authorize Guest Lodging, professional services and recreational facilities. Although staff applauds the goals of the request. Due to the large public response in opposition, access to the site and compliance with adopted plans staff does not believe the use is appropriate at this location.

If the Commission wishes to approved the item, Staff has included recommended conditions of approval to minimize impacts.

**Factors in Favor of Approving the Special Use**

1. The traffic generated by the use would be similar to the applicant constructing five single family homes on the site;
2. The Yoga studio would provide a service to the area that does not currently exist;

**Factors Against Allowing the Special Use**

1. The Planning Department has received eleven letters in opposition to the request from neighboring property owners;

2. During rain events Paloma Trail is not accessible and guest would be stranded until water recedes;
3. During rain events it will be difficult or impossible for emergency services to reach the location;
4. The request does not fully comply with the Southern San Pedro Valley Area Plan;
5. Since the use it not primarily serving the local residents it does not fully comply with the Comprehensive Plan.
6. The project does not comply with five of the Special Use Factors.

## **VII. RECOMMENDATION**

Based on the factors **not** in favor of approval, Staff recommends **Denial** 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 that segment of roadway from their driveway to Highway 92 via S. Paloma Trail and E. Javelina Trail.
3. In conjunction with the Commercial Permit Submittal, the Applicant shall provide a clear site plan demonstrating that adequate parking and circulation is provided.
4. The applicant shall provide a signed road maintenance agreement;
5. 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
6. 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 Motions:

*Mr. Chairman, I move to Deny Special Use Docket SU-18-05, the Factors Against Approval constituting the Findings of Fact.*

*Mr. Chairman, I move to approve Special Use Docket SU-18-05, with the Conditions of Approval and Modifications recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*