



**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-18-10 (Baker)  
**DATE:** April 26, 2018 for the May 9, 2018 Meeting

**APPLICATION FOR A SPECIAL USE AUTHORIZATION**

The Applicant requests Special Use Authorization to establish art and permaculture facilities to include: classrooms, outdoor stage, covered outdoor kitchen, restrooms, offices, parking, greenhouses, gardens, and other related structures and activities. Educational Services (607.25) and Recreational Facilities (607.08) are allowed subject to the approval of this Special Use request. The 80-acre site is on parcel 101-40-001.

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

Parcel Size: 80 acres  
 Zoning: RU-4 (Rural; one dwelling 4 acres)  
 Growth Area: Category D  
 Comprehensive Plan Designation: Rural Density Residential  
 Area Plan: None  
 Existing Uses: Vacant Land  
 Proposed Uses: Art and permaculture facilities

**Zoning/Use of Surrounding Properties**

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

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**II. PARCEL HISTORY**

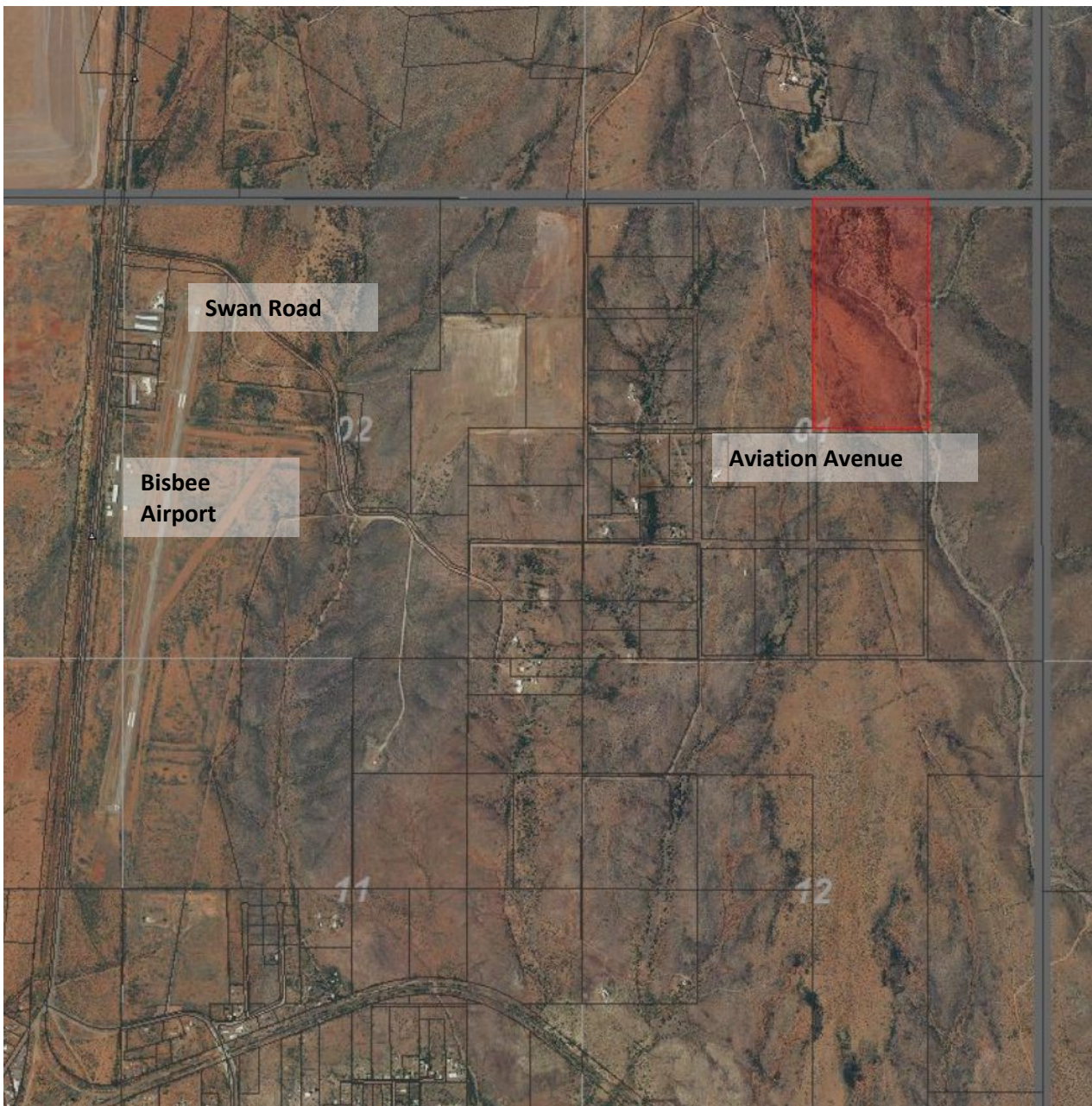
No permit history.

**III. NATURE OF REQUEST**

The Applicant requests Special Use Authorization to establish art and permaculture facilities to include: classrooms, outdoor stage, covered outdoor kitchen, restrooms, offices, parking, greenhouses, gardens, and other related structures and activities.

The Commission may recall that this item was scheduled for several meetings earlier this year. The Applicant requested the continuances in an effort to work with Staff and the neighbors to mitigate some of the concerns. The plans have been revised several times and address many of the initial concerns.

**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 three of the factors. With the recommended conditions and modifications, the project complies with four additional factors. The project does not comply with one factor.

**A. Compliance with Duly Adopted Plans: Complies**

The project site is located in Category D, Rural. These areas are specifically not designated as rural residential because of sparse population, larger lot size, and grazing. It can also include areas that have developed or undeveloped recreational resources. This area meets all of that criteria.



The proposed project is supported by Goal 1 of the Comprehensive Plan which states "Support the preservation and expansion of Cochise County's tourism..." This project will provide a venue for residents and visitors alike to participate in art and permaculture activities. The Comprehensive Plan goes further with policy B, which states "Encourage commercial development that enhances and complements regional tourism." The project complies. In addition, staff is recommending a condition that the applicant improves and maintains the access to the parcel

**B. Compliance with the Zoning District Purpose Statement: 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 facility will provide a place for both locals and tourists to be able to congregate and learn various art and permaculture techniques.

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

The proposed use is located on Aviation Avenue. The site is over 2.25 miles east of South Arizona Street on a series of non-County Maintained Roads. Roads leading to the property are rough and not accessible by a typical passenger vehicle. The Applicant has assembled a plan to improve access to the parcel.

**D. Traffic Circulation Factors: Complies with conditions**

Prior to her Departure Transportation Planner Karen Lamberton prepared a transportation assessment and recommended approval with two conditions.



As mentioned in her memo the proposed Special Use is challenging to analyze due to the different uses and functions proposed. There is currently, no residential uses or guest lodging proposed.

The property is zoned RU-4, which would allow for up to 20 single family residences. This could generate a range of 190-440 vehicle trips per day. The anticipated traffic to be generated by this use is estimated between 7 and 55 vehicle trips per day, far less than the full residential buildout.

Two conditions of Approval are recommended. The first is to provide a standard Private Maintenance Agreement and the second condition is to provide documentation of legal access.

**E. Adequate Services and Infrastructure: Complies with conditions**

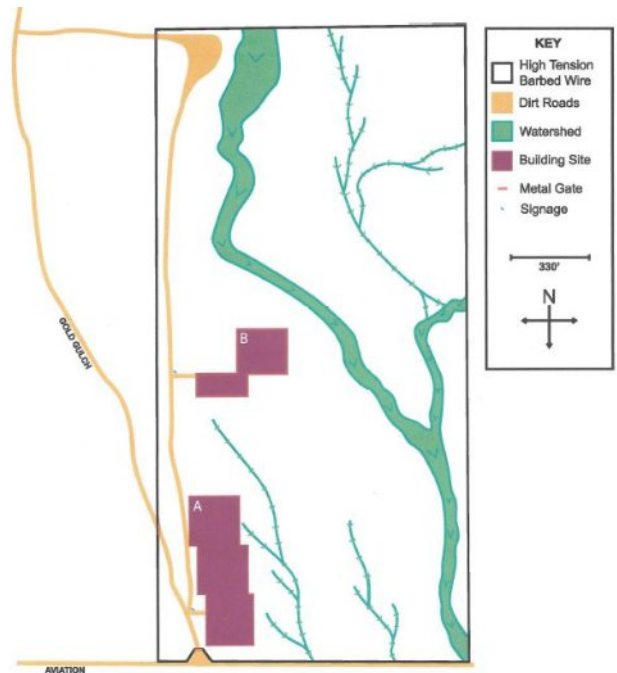
The site is accessed via a series of approximately 2.25 miles of non-maintained roads from South Arizona Street. There are several washes that must be crossed. Access to the site during rain events may be impossible under current conditions. The Applicant has prepared a plan to improve the roads to the property. The improvements include: grading the road, installation of culverts, use of rock over smaller wash crossings and protecting waterlines not properly buried along Aviation Avenue. Staff has concerns regarding potential impacts that these improvements may have on surrounding properties. Therefore, a condition is included that requires the Applicant to work with the Highways and Floodplain Department to provide analysis of the flows and impacts the improvements will have.

The applicant will be off-grid and provide their own water, electric, composting toilets and a septic system.

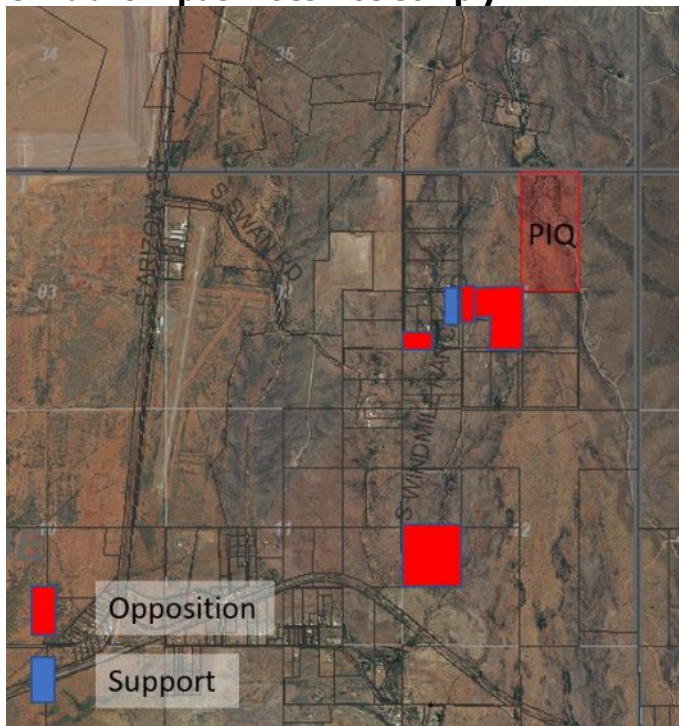
**F. Significant Site Development Standards: Complies with Conditions and modification**

The conceptual site plan presented complies with most development standards. The Applicants propose to develop 4.5 acres of the 80 acre parcel. There will be two sites where activities will occur along Gold Gulch Road. One will consist of approximately 3 acres and the other 1.5 acres. Structures are required to be set back 20 feet from the edge of the roadway and the site has ample room to accommodate the setbacks

Solid screening in this area would be more invasive than leaving the native vegetation. Therefore, Staff is recommending a modification to the standards, not requiring solid screening around the development. The parking will be gravel.



**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 two separate times. With the first notification staff received three letters of opposition from property owners within that radius. During the last notification only one letter was received and expressed support for the project. concerns and objections raised by the nearby property owners include noise, access, traffic.

**H. Hazardous Materials: Not applicable**

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

**I. Off-Site Impacts: Complies with Conditions**

During the first review of the project, several concerns were raised by surrounding neighbors. Some specific concerns were noise of the outdoor theater, impacts on the roads, and fencing. The Applicants placed the project on hold to reach out to the public and address some of these concerns. The site plan was revised to move the theater further away from the nearest residence. In addition, structures will be constructed, and vegetation added to help mitigate noise impacts. The Applicant’s developed a plan to improve and maintain the legal access to the property. This includes grading the roads, drainage improvements (rock bridges, culverts, swales) and protecting existing exposed water lines on Aviation. A condition of approval is included for maintaining the road. The closest structure will be at least 380 feet from the property line, limiting visual impacts to the surrounding neighbors. Minimal outdoor lighting will

be provided and will comply with County's Outdoor Lighting Ordinance. The Applicant could construct twenty single family homes on the 80-acre parcel. This could generate a range of 190-440 vehicle trips per day. The anticipated traffic to be generated by this use is estimated between 7 and 55 vehicle trips per day, far less than the full residential buildout. 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 not located within the Sierra Vista Sub-Watershed; however, this project intends to utilize water conservation measures including water harvesting.

### **V. PUBLIC COMMENT**

Staff mailed notices to neighboring property owners within 5,280 feet of the subject property on November 14, posted the property on November 20, and published a legal notice in the *San Pedro Valley News-Sun* on November 21, 2018. In response to applicant and County mailings, the Planning Department received one letter of support. During the previous public outreach in April of 2018 three letters of opposition were received from surrounding property owners.

### **VI. SUMMARY AND CONCLUSION**

The Applicant requests Special Use Authorization to establish art and permaculture facilities to include: classrooms, outdoor stage, covered outdoor kitchen, restrooms, offices, parking, greenhouses, gardens, and other related structures and activities. The parcel is over 80 acres in size. Only 4.5 acres of the site are proposed to be disturbed for this project. The Applicant has reconfigured the site plan several times to comply with both neighbor and staff concerns.

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

1. With the recommended Conditions of Approval, the proposed use would comply with nine of the ten applicable Special Use factors used by staff to analyze this request;
2. The Comprehensive Plan Economic Development and Rural Character Elements are achieved by this proposal;
3. The proposal as submitted meets the zoning purpose statement;
4. Only 4.5 acres of the 80-acre site will be disturbed;
5. The Applicants propose to improve area roads;
6. One letter of support, from a nearby property owner 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 Swan Road.
3. In conjunction with the Commercial Permit Submittal, the Applicant shall provide a clear site plan demonstrating proper driveway width and parking stalls.
4. At the Commercial Permit Phase, the applicant will be required to comply flood plain requirements.
5. The Applicants must comply with all Health Department requirements for produce, commercial kitchen, well water, composting toilets, etc.
6. The Applicants shall improve and maintain the access to the parcel.
7. 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
8. 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-18-10, 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