



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, Planning Director
SUBJECT: Docket SU-20-01 (Maples)
DATE: March 2, 2020 for the March 11, 2020 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant requests Special Use Authorization to construct a 3,750 square foot convenience store and gasoline/service station on a portion of a 58-acre lot located on Kansas Settlement Road, approximately 650 feet north of E Kimzey Road. The parcel number is identified as 205-24-003F. The Applicant is Mr. Jason Maples.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 58 Acres
 Zoning: Rural (RU-4; one dwelling per four acres)
 Growth Area: Category D (Rural)
 Comprehensive Plan Designation: Rural
 Area Plan: None Applicable
 Existing Uses: Vacant
 Proposed Use: Gas Station and convenience store

Zoning/Use of Surrounding Properties

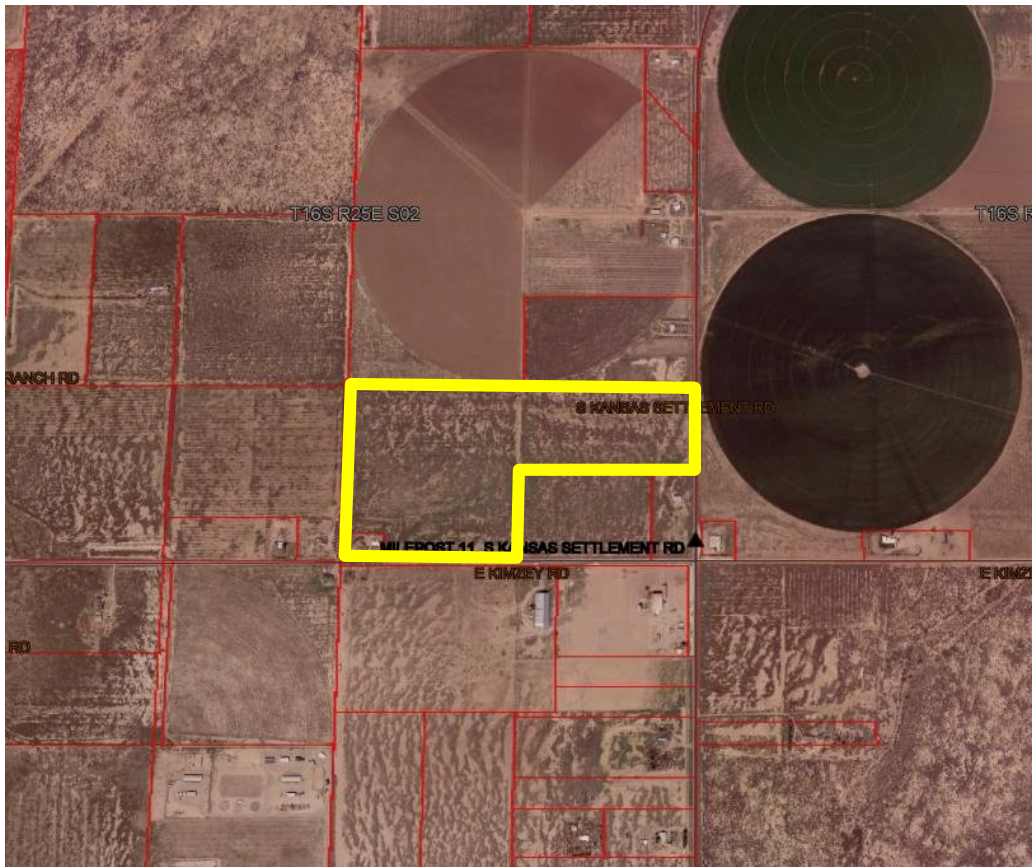
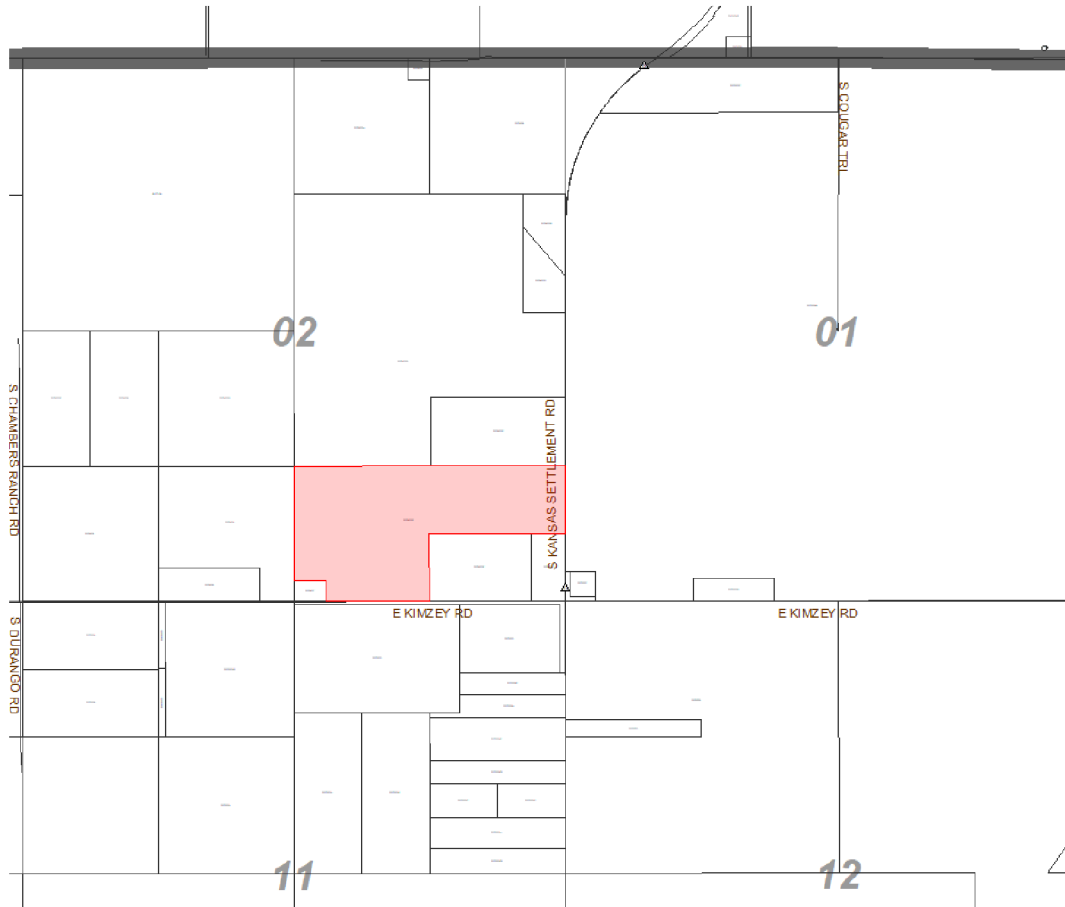
Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Agriculture
South	RU-4, GB	Agriculture, cotton gin
East	RU-4	Agriculture
West	RU-4	Agriculture

II. LOCATION

The parcel, 205-24-003F is located on Kansas Settlement Road approximately 650 feet north of E Kimzey Road in Kansas Settlement.

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 1415 Melody Lane, Building E
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A. Compliance with Duly Adopted Plans: Complies

The proposed project satisfies the criteria for Comprehensive Plan D- Rural. The site is located in a rural area that is dominated by agricultural lands and processing. This service station and convenience store will help provide an amenity to the many workers, traveling public and few residents in the area, while not having significant impacts on the nearby parcels.

B. Compliance with the Zoning District Purpose Statement: Complies

The proposed project satisfies the following zoning district purpose statements:

- 601.02 To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living;
- 601.03 To preserve the agricultural character of those portions of the County capable of resource production.

With the approval of this Special Use request the project will be in compliance with the Zoning District statement.



C. Development Along Major Streets: Complies with conditions

The project site is located along Kansas Settlement Road, a County maintained, Major Collector Road. The Right-of-Way Department is requesting the following which is included as a Condition of Approval:

- Further right-of-way dedication is required for Kansas Settlement at this time. Right-of-way division will provide legal documents for the transfer of land in Fee Title to Cochise County for road use. Required width will be determined upon further review, 50' minimum.
- We would also request perfecting the right-of-way for Kimzey Road.



D. Traffic Circulation Factors: Complies with conditions

The County Engineering evaluated the potential traffic implications of the proposed project. Based on the ITE Trip General manual, ADOT turn lane warrants, and the posted speed limit of 55 mph the site could require a left turn lane. Due to the rural location of the site it is possible

that most of the traffic will be existing pass-by traffic and not generate many new trips. The Applicant is conditioned to enter into a delayed development agreement that would require the left turn lane construction, if within five years the County determines it meets the required warrants.

The applicant will also be required to provide construction plans and obtain a right-of-way permits for improvements within County right-of-way. The access drive will require a turn radius and no the angle as shown on the site plan.

E. Adequate Services and Infrastructure: Complies with conditions

An existing well will be used for the site and a new septic system will be provided. Electric will be provided by Sulfur Springs Valley Electric Coop who had no comments on this request.

F. Significant Site Development Standards: Complies with conditions

The Zoning Regulations do not have any specific standards for convenience stores or gas stations; however, they do have standards for: parking, parking and driveway materials, screening, etc.

Parking: The Zoning Regulations establish parking for convenience stores at 1 per 350 square feet. That would require a minimum of 11 spaces, which are provided. The parking stalls and fuel islands are proposed to be concrete. The remainder of the site is proposed to be 2" of gravel which complies with Section 1804.07.D

Screening: Section 604.06 requires screening in Category D only when the non-residential use abuts a Rural Residential Category. In this case all surrounding categories are "Rural". Therefore, screening of the use is not required.

However, outdoor storage is required to be screened regardless of surrounding categories. Therefore, all outdoor storage including trash, crates, pallets etc. shall be screened with a minimum six-foot-high solid screen.

Lighting: The lighting will be required to comply with the Outdoor lighting regulations and will be verified a permit submittal and final inspection.

Setbacks: The Zoning Regulations require a minimum of a 20-foot setback. The site plan presented shows all structures exceed the minimum setbacks.

Landscaping: Not required in Category D.

G. Public Input: Complies

In response to County notification Staff has received four letters in support and none in opposition. Based on the response the area property owners, overall support the proposal.

H. Hazardous Materials: Complies

The fuel will be stored in State approved and inspected containers. No other hazardous materials are expected to be onsite.

I. Off-Site Impacts: Complies with conditions

The proposed Special Use will add some to the existing noise currently present from agricultural uses and processing. Staff does not believe that this will have a significant impact on noise in the area.

As previously discussed, traffic is a potential concern, therefore we have added the condition that the developer enters into a developed agreement that would require the construction of the left turn lane if the warrants are met within the next five years.

The applicant will be required to provide onsite retention/ detention ponds which will mitigate the drainage impacts offsite.

J. Water Conservation: Complies

The parcel could be developed with single family homes or agricultural uses which would be a significant increase in water use over a small convenience store and gas station.

VI. PUBLIC COMMENT

The Planning Department mailed notices to neighboring property owners within a minimum of one mile of the subject property. Staff posted the property and published a legal notice in the *Sierra Vista Herald*. In response to applicant and County mailings, the Planning Department has received written communication from four individuals voicing support as noted Section G above.

VIII. SUMMARY AND CONCLUSION

The Applicant requests a Special Use Authorization to approve a 3,750 square foot convenience store and gasoline/service station. With the Conditions of approval and modifications, staff recommends a Conditional approval of the request.

Factors in Favor of Approving the Special Use

1. With the recommended conditions the request complies with ten applicable Special Use factors used by staff to analyze such requests;
2. The Special Use complies with the Comprehensive Plan goals and policies;
3. The Special Use would provide a much needed service in a rural area of the County; and
4. Four letters in support have been received.

Factors Against Allowing the Special Use

1. None identified.

IX. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **Conditional Approval** of the Special Use request, subject to the following Conditions and Modification above:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards (except as modified) and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.
4. In conjunction with the Commercial Permit Submittal, the Applicant shall provide a detailed and dimensioned site plan showing all parking areas, driveways, setbacks, landscape areas, etc.;

5. The Applicant shall enter into a Development Agreement with the County, which will require that the applicant provide Engineered Plans to County Specifications and construct a left turn lane on Kansas Settlement Road if the warrants are met within five years.
6. The Applicant shall provide Engineered Plans for any improvements required in County right-of-way to the satisfaction of the County Engineer.
7. The Applicant shall provide retention/detention ponds as required by the Engineering Department.
8. Prior to permit issuance further right-of-way dedication is required for Kansas Settlement. Right-of-way division will provide legal documents for the transfer of land in Fee Title to Cochise County for road use. Required width will be determined upon further review, 50' minimum.
9. Prior to permit issuance, the right-of-way for Kimzey Road shall be perfected

Sample Motion: *Mr. Chairman, I move to approve Special Use SU-20-01 with the Conditions of Approval and Modification recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*