



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

*Public Programs...Personal Service*  
 www.cochise.az.gov

**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Robert Kirschmann, Planner II  
**FOR:** Daniel Coxworth, AICP, Planning Director  
**SUBJECT:** Docket SU-19-10 (Wilson Raceway)  
**DATE:** March 3, 2020 for the March 11, 2020 Meeting

**APPLICATION FOR A SPECIAL USE**

The Applicant requests Special Use Authorization to construct an approximately 30,000 square foot addition to the existing 22,000 square foot warehouse. The building is used for washing and storage of seed potatoes.

The property is located at 1980 N Hwy 191 and identified as parcel number 206-01-011J. The Applicant is Jim Behrens for Pieper Farms, LLC.

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

Parcel Size: 41.8 Acres  
 Zoning: Rural (RU-4; one dwelling per four acres)  
 Growth Area: Category D (Rural Area)  
 Comprehensive Plan Designation: Light Industry  
 Area Plan: Mid Sulphur Springs Valley Area Plan  
 Existing Uses: Existing Metal building used for potatoe processing  
 Proposed Use: Same, with larger capacity

**Zoning/Use of Surrounding Properties**

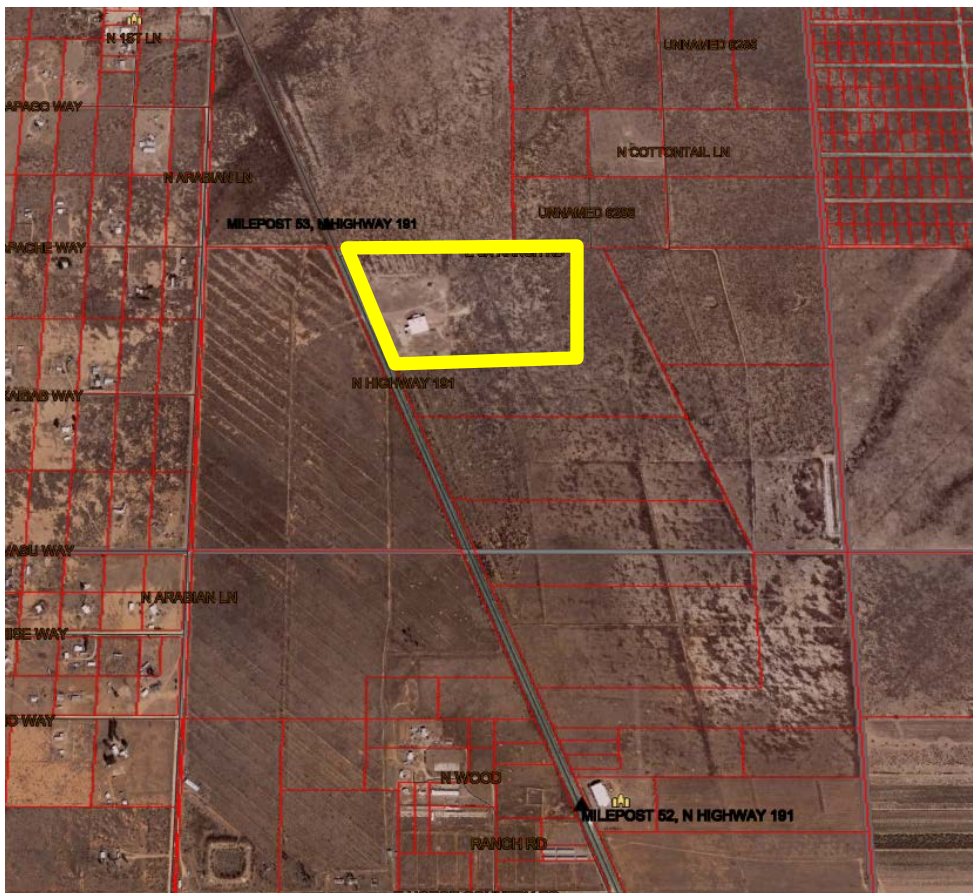
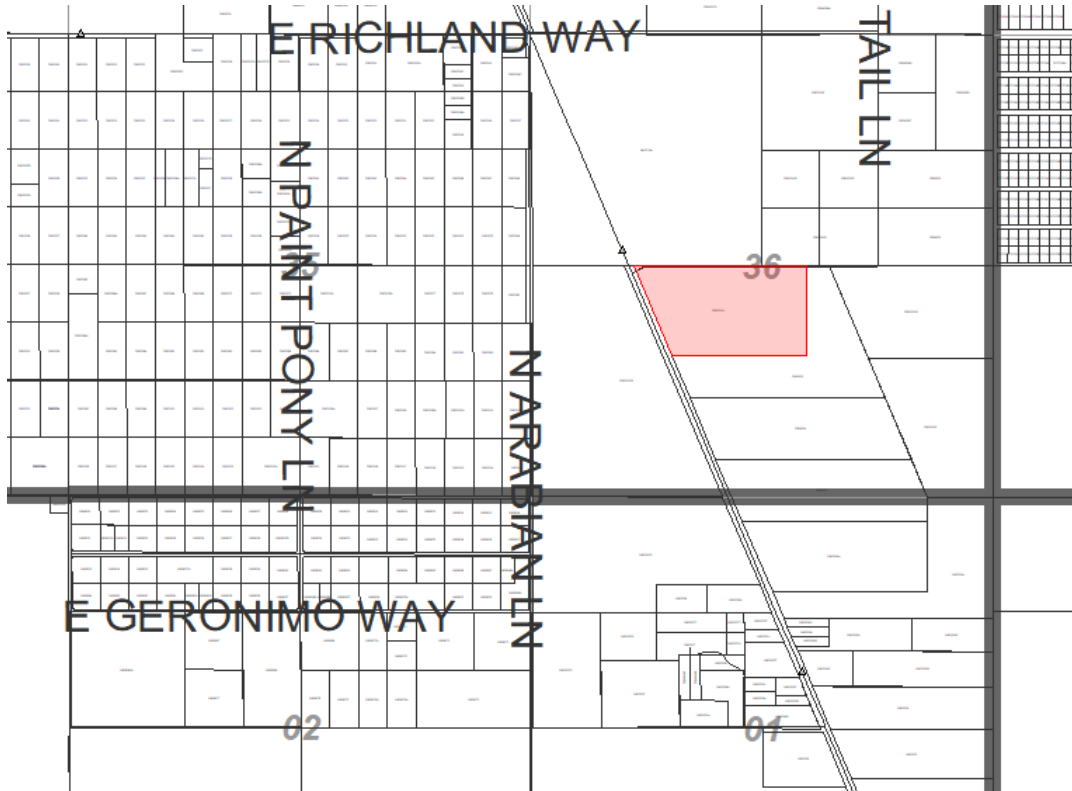
Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Vacant
South	RU-4	Vacant
East	RU-4	Vacant
West	RU-4	Vacant, farming, rural residential across SR191

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## II. LOCATION

The parcel, 206-01-011J is located at 1980 N Hwy 191 near Sunsites.

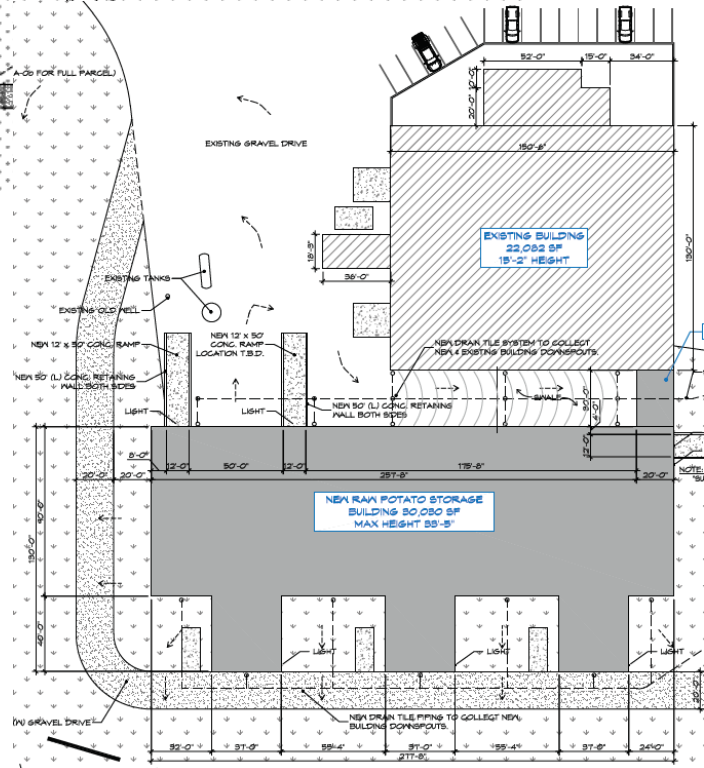
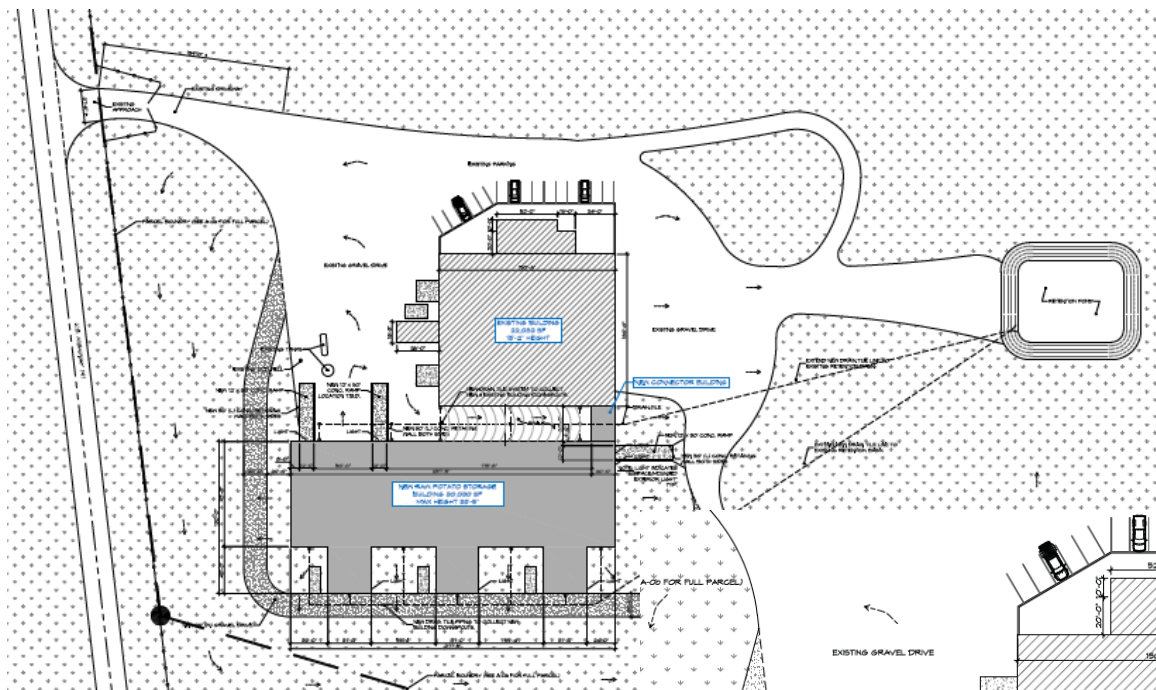


**III. PARCEL HISTORY**

- 1997: Special Use for Metal Building (Truck cover and strap manufacturing)
- 2000: Permit for existing building

**IV. NATURE OF REQUEST**

The Applicant requests Special Use Authorization to construct an approximately 30,000 square foot addition to the existing 22,000 square foot warehouse. The building is used for washing and storage of seed potatoes. The operation has outgrown the existing building.



## **V. 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.

Ten of the ten factors apply to this request. The project, as submitted, complies with seven of those factors, and complies with another three with the recommended conditions and modifications.

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

The proposed project satisfies the criteria for Comprehensive Plan D-Rural and the Mid Sulphur Springs Valley Area Plan.

Under industrial uses the Goal of the Mid Sulphur Springs valley plan states:

*Goal: To support the local economy, protect residential areas, safeguard the environment, and to assist developers in selecting appropriate locations for Industrial land uses as depicted on the Mid-Sulphur Springs Valley Community Development Map.*

The site is already designated as light industrial, with an existing industrial building on the site. This is simply an expansion of that existing operation. It is separated from the populated residential area by SR191.

Policy 2 states:

*Policy 2: To promote the health, welfare and safety of the Community, industrial land uses will be evaluated according to the following criteria:*

- *Impact of noise produced on surrounding land uses.*

There have been concerns expressed by a few neighbors, approximately 1,500 feet away that state they can hear the cooling units turning on in the evening. During the site inspection staff did not hear any discernible noise past the boundary of the site. In order to assure the neighbors that the expansion will not cause additional noise staff has included the following condition:

Screening, or noise baffling shall be provided if noise from the site exceeds the following:

No noise or vibration (other than normal vehicular traffic) shall be permitted which is discernible on neighboring residential sites to the unaided human senses for 3-minutes or more duration in any 1-hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of 30-seconds or more duration in any 1-hour between the hours of 7:00 p.m. and 7:00 a.m.

The above language is found within our existing Zoning Regulations in the Commercial and Industrial Sections. Since this is an commercial/industrial use staff feels that this condition is appropriate.

- *Impact on air, floodplains, wells, water systems and aquifers;*

**Air:** The proposed use will not have significant impact on air quality. There will only be a minor increase in truck traffic and the closest residents are approximately 1,500 feet or more away. The processing is generally clean and will not include any significant increase in discharge

**Floodplains:** The project is located within a FEMA designated flood zone and will be required to fully comply with the regulations, including elevating the building, and not increasing or changing existing flows from the site.

**Wells, water systems and aquifers:** Several neighbors have raised concerns about the water use of the facility. The applicant has stated that approximately 15,000 gallons per year will be utilized. This amount is far less than if the site was pure agriculture (~1,600 gpm for pivot) or even if it was to be developed at one home per 4 acres.

- *Suitability of soils;*  
The building is engineered and will be evaluated by the Building Department.
- *Appropriateness of transport routes*  
The building is located on SR191 which is already a truck route between Agua Prieta/Douglas and Interstate 10. The proposal has been evaluated by ADOT, who did not express any concerns.
- *Impact upon the infrastructure of the Community*  
Same as above.
- *Impacts upon population centers, schools, hospitals, recreation areas, food production, and wildlife.*  
No impacts anticipated, though some additional jobs may be available to the community.

**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**

The project site is located on State Route 191, a major transportation route in the Sulphur Springs Valley. The application was sent to ADOT for their review and comments (attached). In summary ADOT does not have any concerns or requirements of additional improvements.

**D. Traffic Circulation Factors: Complies**

The use primarily operates from early June to September, with more minor operations taking place into December. Currently, it is estimated that total inbound and outbound trucks are between 10-12 per day. The addition may increase this amount by up to 25%. ADOT has reviewed the numbers and does not have any requirements for additional traffic studies or improvements to SR191.





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

The site is already development with a 22,000 square foot building. Utilities include a well, two septic systems and electric. One Septic system will be abandoned. SSVEC was include on the transmittal and stated they have no comments on this request.

**F. Significant Site Development Standards: Complies with conditions and modifications**

The Zoning Regulations do not have any specific standards for warehouses; however, they do have standards for: parking, parking and driveway materials, screening, etc.

**Parking:** The Zoning Regulations establish parking for manufacturing, wholesaling, warehousing, distribution and storage of goods at 1 per employee plus 1 per 1,000 square feet. That would require a minimum of 67 spaces. Based on the seasonal nature, no customers visiting the site, and only 17 employees at the peak that this number is excessive. However, should additional parking be required the site is flat and can adequate accommodate additional

parking. Staff supports approval of the modification to the required parking.

**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 Light Industrial or Business. Therefore, screening of the use is not required.

However, as discussed above noise has been raised as a concern. The applicant may need to construct some screens or baffles around the mechanical units.

**Lighting:** The lighting will be required to comply with the Outdoor lighting regulations.

**Setbacks:** The Zoning Regulations require a minimum of a 20 foot setback. Though it appears that the structures exceed the setbacks, the site plan submitted for the non-residential permit shall clearly show all setbacks.

**Height:** The Rural Zoning District limits height to 30 feet. The structure as proposed is 33' 5". Other agricultural buildings in the Sulphur Springs valley can far exceed this height. The minor increase would also not be highly noticeable.

Due to the Floodplain requirements, staff is recommending a modification to the height, allowing the building to be increased to approximately thirty-five feet. In the event that a stem wall is utilized, the modification should accommodate the required two elevation.

**G. Public Input: Complies**

In response to County notification Staff has received twelve letters in support and four in opposition. The opposition cites concern about noise, water usage (previously addressed) and property values.

**H. Hazardous Materials: Complies**



No hazardous waste will be used or stored onsite.

#### **I. Off-Site Impacts: Complies with conditions**

As previously discussed, the biggest current offsite impact is noise. The Applicant has told surrounding neighbors that the new equipment should help reduce the noise. Additionally, a condition of approval is recommended to help reduce and enforce noise requirements.

#### **J. Water Conservation: Complies**

The parcel could be developed with single family homes or an agricultural pivot. The pivot could produce 1,600 gallons per minute and the County has no jurisdiction over this. The proposed use is estimated to only require 12,000 gallons per year. This is less than other potential uses on the site.

### **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 twelve individuals voicing support and four in opposition as noted Section G above.

### **VII. WAIVERS**

1. Based on the seasonal nature of the business, a maximum of 17 employees and a large, flat cleared lot that could accommodate additional vehicles staff recommends approval of a waiver to the required 67 parking stalls and approving the site plan as presented.
2. The RU-4 Zoning District limits building heights to thirty feet. Staff recommends approval of a waiver allowing the building to be constructed at approximately thirty five feet.

### **VIII. SUMMARY AND CONCLUSION**

The Applicant requests a Special Use Authorization to approve an approximately 30,000 square foot addition to the existing 22,000 square foot warehouse. 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 requested Modifications and 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 complies with the Mid Sulphur Springs Valley Area Plan;
4. The Special Use would provide additional recreational opportunities in the County; and
5. Twelve letters in support have been received.

#### **Factors Against Allowing the Special Use**

1. Four letter in opposition have been received.

**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. No noise or vibration (other than normal vehicular traffic) shall be permitted which is discernible on neighboring residential sites to the unaided human senses for 3-minutes or more duration in any 1-hour of the day between the hours of 7:00 a.m. and 7:00 p.m. or of 30-seconds or more duration in any 1-hour between the hours of 7:00 p.m. and 7:00 a.m. Should the equipment not be able to meet these requirements, screen walls, baffling or other measures shall be implemented to bring the site into compliance.
5. All parking areas, drive aisles, and staging areas shall be treated with a minimum 2" of gravel.

Sample Motion: *Mr. Chairman, I move to approve Special Use SU-97-08A with the Conditions of Approval and Modification recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*