



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-20-06 (Bolstering Buffalo)
DATE: June 29, 2020 for the July 8, 2020 Meeting

APPLICATION FOR A SPECIAL USE

The Applicant requests Special Use Authorization to operate a recycling center in an existing 2,400 square foot building and outside storage on approximately 300 square feet. The site is located at 202 West Oak Street and is identified as parcel 106-06-022A. The parcel includes a separate building which operates as a mechanic shop and is not included as part of this request. The Applicant is Mr. Eric Holeman of Bolstering Buffalo Inc.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 4.01 Acres
 Zoning: General Business (GB)
 Growth Area: Category B (Community Development Areas)
 Comprehensive Plan Designation: Developing
 Area Plan: None Applicable
 Existing Uses: Car repair business, vacant building
 Proposed Use: Re-use existing 2,400 building

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	MH-36 (MR-2)	Mobile Home/RV Park
South	GB	Residence (with home occupation)
East	GB	Church
West	GB	Residential, possible mechanic/car repair

II. LOCATION

The parcel, 106-06-022A is located at 202 West Oak Street in Huachuca City.

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



III. PARCEL HISTORY

The building were originally constructed in 1987 and were used for a feed store.

IV. NATURE OF REQUEST

The Applicant requests a Special Use Authorization to use an existing 2,400 square foot metal building for a recycling facility. Additionally, the application is requesting to use approximately 300 square feet outside as storage of compacted bales and glass bottles.

Earlier this year a resident filed a complaint with Code Enforcement on this business and the automotive repair shop adjacent. Staff investigated the complaint and found the business had been established without first obtaining Special Use authorization with is required for a recycling center (1205.06) in General Business Districts. The applicant has submitted the application before you now.

The Zoning Regulations define **Recycling Center - A permanent enclosed facility for the collection, temporary storage and processing of recyclable materials, for efficient shipment; this does not include a junkyard. Sale of parts is not permitted. Processing for efficient**





shipment includes, but is not limited to, baling, compacting, crushing, and flattening.

The operations take place using a standard pick up truck and an mid-size sport utility vehicle each pulling a typical six foot by twelve foot trailer. Each trailer has large wheeled trash cans on

it (see picture). The Applicants then drive to customers’ homes and pick up plastic, aluminum, and glass. These are sorted at the curb into the respectable trash container. Any trash or dirty materials are rejected and left curbside. These cans are brought back to the site, unloaded, bagged, or dumped into larger containers. If approved, the applicant plans to install a baler similar to what a large retail store would have. This would be located inside the building. The applicant has agreed to not utilize a glass pulveriser. No customers will be coming to the site.

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 five of the factors, complies with abother four with conditions and does not comply with one factory.

A. Compliance with Duly Adopted Plans: Complies

The proposed project satisfies the criteria for Comprehensive Plan B (Community Development Areas), Developing areas.

1. The area to be designated has a moderate level of residential and/or non-residential growth.

The area has a large variety of development in the area. To the north is a dense Recreational Vehicle/ manufactured home park and to the east is a church. To the south is a residential home (with home based business). To the west are residential homes with possibly vehicle repair/ and or possible sales.



2. The area serves as a logical transition between urban growth and rural areas and/or has a distinctive community identity

This area is in a transition area with a mix of development types from high density residential to commercial and rural residential. This particular use is reusing an existing and is located next to an automotive repair shop.



3. The area has adequate water, access, drainage, and sewage disposal capability to accommodate medium to high density development.

The building is existing. All utilizes existing and no changes are required as a result of the use. The roadway is paved in in good repair.

4. In general, residential lot sizes are one-acre or less in size but may transition to larger lot sizes at the fringes of the area. Lots may have access to an on-site or off-site sewer facility, potable water and are commonly found in established subdivisions and manufactured/mobile home parks or historic town sites.

As previously mentioned, the area has high density residential (Recreational Vehicle/manufactured home park to the north with larger lots occurring south and west. Many of these lots are larger containing homes and businesses.

5. Improved streets designated as arterial or collectors can support limited non-residential development.

Oak Street is designated as a minor access local road; however, the proposed use will not have a significant increase in traffic as there will be no customers to the site. The Engineering Department did not have any concerns relating to the traffic.

6. There is substantial potential for further development along with opportunities to preserve undeveloped land such as open space and washes.

There is still vacant land and large parcels that could be further Developed in the future. There are no significant washes do not occur near the site.

B. Compliance with the Zoning District Purpose Statement: Complies

The proposed project satisfies the following zoning district purpose statements:

1201.02 To provide wholesale or distribution activities in locations with adequate access to major streets and highways

To a small degree the proposed use could be considered distribution as the materials brought to the site, are sorted and transported to other locations where they can process without having the large impact of constant truck traffic.

1201.03 To encourage concentrated development of commercial activities for the convenience of the public

Although, this use is being located near other commercial uses there will not be any customers received on the site.

1201.04 To provide adequate space to meet the needs of commercial development, with adequate off-street parking and minimal traffic congestion

Again, no customers will be received onsite, however there is adequate paved parking onsite.

1201.05 To protect commercial uses from objectionable influences of industrial uses as well as incompatible residential development.



The existing building is setback approximately 100 feet from the closest permanent residence and that residence is another 100 feet away, or almost 200 feet of separation. A new screen wall of fence will be required to screen the new outside 300 square foot storage area.

C. Development Along Major Streets: Complies with conditions

The project site is located on Oak street. No new curb cuts are proposed. Customers will not visit the site and therefore, no hazardous traffic impacts created as a result of the Special Use. Additionally, there is adequate space onsite for the trailers and trucks to maneuver outside of the right-of-way.

The right-of-way department is requesting right-of-way for Oak Street and it is included as a condition of approval.

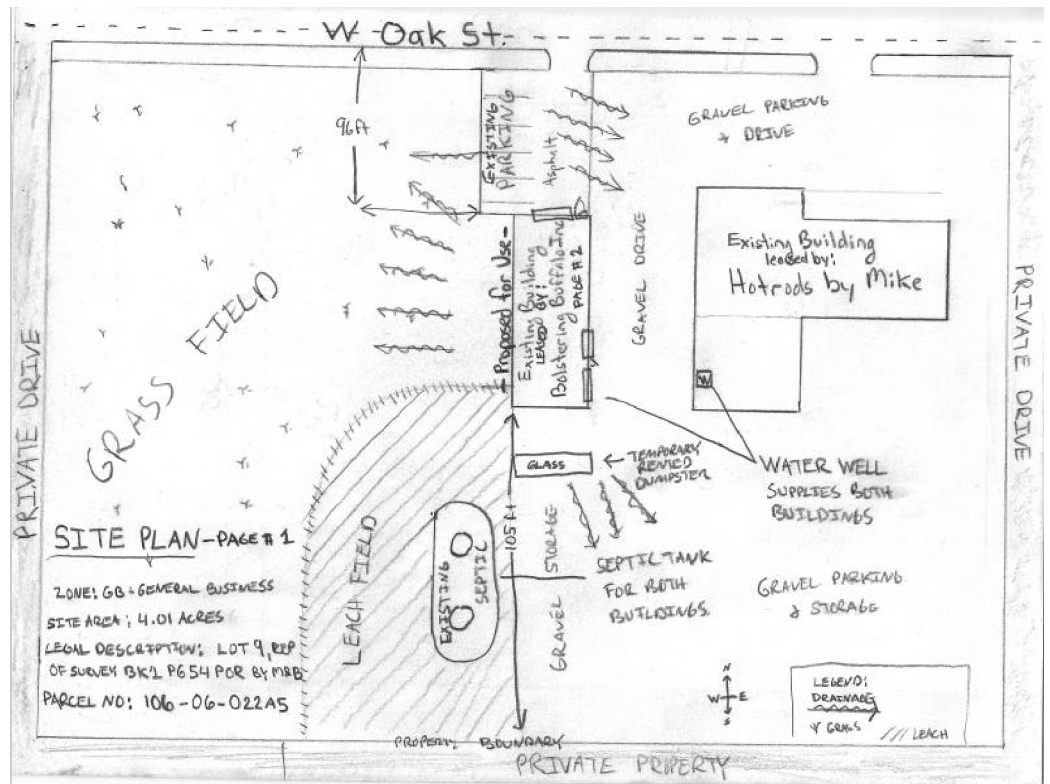


D. Traffic Circulation Factors: Complies with conditions

The County Engineering Department evaluated the potential traffic implications of the proposed project. It is not anticipated that the project will have significant impacts on traffic. However, further right-of-way dedication is required for Oak Street and has been included as a condition.

E. Adequate Services and Infrastructure: Complies

The building is existing and already has all necessary utilities hooked up.

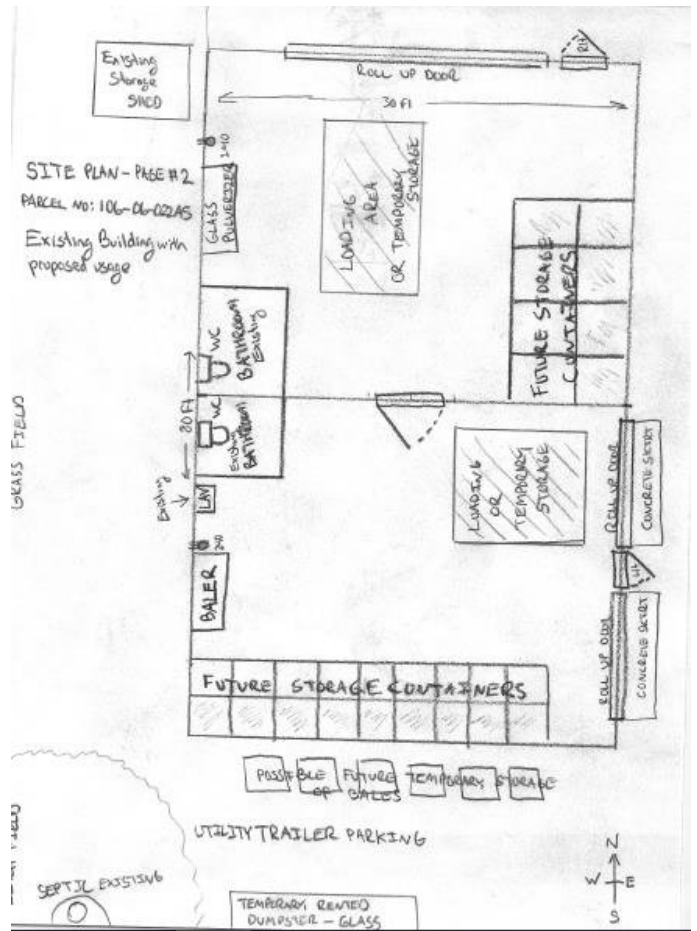


F. Significant Site Development Standards: Complies with conditions

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

Parking:

The Zoning Regulations do not establish separate parking regulations for a recycling center. Staff determined the parking based on distribution and storage of goods classification. This requires a minimum of one parking stall per employee and one per 1,000 square feet. That requires a total of four parking stalls. The site provides five paved



parking stalls.

Screening: Section 1203.05 requires that all non-residential outdoor storage shall be screened. The site plan shows approximately 300 square feet of outdoor storage, which is in direct sight of the property to the south. Therefore, solid screening of at least six feet in height is required. Additionally, the site plan indicates that part of the outdoor storage could be glass. This is discussed further, under off-site impacts.

Lighting: No new lighting is proposed at this time. Any new lights will be required to comply with the Outdoor lighting regulations.

Setbacks: The Zoning Regulations require a minimum of a five foot setback to the south, east and west, while 20 feet from Oak Street is required. The existing building exceeds all the setbacks.

Landscaping: Landscaping is required in Category B areas. A minimum of 5% of the site shall be landscaped and a minimum of a five foot wide planter is required along Oak Street.

G. Public Input: Does not comply

In response to County notification Staff has received two letters in support, a petition with 99 signatures opposed and 37 letter in opposition. The letters in opposition cite:

- Operation prior to Special Use
- Storage of trash
- Health/sanitation concerns
- Excessive traffic
- Business doesn't serve Whetstone
- Compatibility with neighborhood

Staff has evaluated this request and believe with the recommended conditions the use can be mitigated to address the concerns of the neighborhood.



H. Hazardous Materials: Complies

No other hazardous materials are expected to be onsite.

I. Off-Site Impacts: Complies with conditions

The proposed Special Use could have impacts to the surrounding neighbors. Staff met with the Applicant onsite during a typical end of day off-loading and sorting. Staff shares some of the neighbor concerns and have worked to impose conditions to help mitigate some of the issues.

Noise:

The proposed use will generate additional noise, though most of the noise occurs for limited times and inside of the building. Staff visited the facility to witness the typical end of day process. During the visit staff did notice that there were some audible noises at the property lines, although high muffled by the ambient noise of the highway, automotive shops and existing traffic on Oak Street. However, staff has included conditions to help further dampen potential noise impacts to the surrounding property owners.

1. All roll up doors shall be insulated to help dampen noise.
2. Unloading of trailers/ materials shall be taken place inside the building with the doors closed.
3. No glass shall be unloaded, crushed or handled in the outside storage area.
4. The outside storage area shall be screened with a solid wall or fence.
5. There shall be no baling, crushing, forklift operation, or other loud operations occurring outside beyond the hours of 8AM- to 5PM.



Sanitation:

Concerns were raised about the trash being stored on the property. The operation consists of people picking up a container and hand unloading it into proper containers on the trailer. At that time, the materials are inspected to determine if they are acceptable. If items are not recyclable or dirty the items are left, and the customer is notified. There are no automated machines used, which allows for better inspection. Any trash that is generated shall be properly disposed. Additional concerns were raised about an increase in rodents. Staff is including the following conditions to help reduce any impacts.

- 6. The applicant shall enter into a contract with a pest control company and have regular inspection and disposal of the rodents.
- 7. Any refuse generated onsite shall be stored in an appropriate receptacle and regularly disposed.

Traffic:

As previously mentioned, the applicant will not be receiving any customers onsite, thereby significantly reducing potential traffic. There will be two standard trucks and trailers coming to and from the site on a

daily basis. Additionally, once or twice a month a semi-truck will be loaded up with materials to be transported to other areas. The Engineering Department reviewed the request and did not have concerns relating to traffic.

Future Use of the Site:

The letters in opposition addressed concerns to this approval opening the site up to becoming a transfer station in the future. First, we have a standard condition that requires modification of a special use to be submitted to staff for consideration and could require additional review and approval of the Special Use. Due to the concerns expressed, staff is also adding the following condition:

8. Immediately following the applicant ceasing operation, this Special Use shall become null and void. Any proposed recycling center, transfer station, etc. shall be subject to a new Special Use application and process.

J. Water Conservation: Complies

The building is already constructed with a small restroom. No additional plumbing or water use is required. All landscaping is required to be drought tolerant.

VI. PUBLIC COMMENT

The Planning Department mailed notices to neighboring property owners within a minimum of 1,000 feet 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 two written communications in support, 37 letters in opposition, and a petition with 99 signatures as noted in Section G above.

VII. MODIFICATIONS

There are no modifications requested or necessary to support this request.

VIII. SUMMARY AND CONCLUSION

The Applicant requests a Special Use Authorization to operate a recycling center in an existing 2,400 square foot building and outside storage on approximately 300 square feet.

Factors in Favor of Approving the Special Use

1. With the recommended conditions and modification, the request complies with nine 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 to County residents; and
4. Two letters in support have been received.

Factors Against Allowing the Special Use

1. Despite, the recommended conditions addition noise will be audible at times;
2. One factor does not comply; and

3. A petition with 99 signatures, 37 letters in opposition were 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. All roll up doors shall be insulated to help dampen noise;
5. Unloading of trailers/ materials shall be taken place inside the building with the doors closed;
6. No glass shall be unloaded, crushed or handled in the outside storage area;
7. The outside storage area shall be screened with a solid wall or fence;
8. There shall be no baling, crushing, forklift operation, or other loud operations occurring outside beyond the hours of 8AM- to 5PM;
9. The applicant shall enter into a contract with a pest control company and have regular inspection and disposal of the rodents;
10. Any refuse generated onsite shall be stored in an appropriate receptacle and regularly disposed;
11. Immediately following the applicant ceasing operation, this Special Use shall become null and void. Any proposed recycling center, transfer station, etc. shall be subject a new Special Use application and process.

Sample Motion: *Mr. Chairman, I move to approve Special Use SU-20-06 with the Conditions of Approval and Modification recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*