

**COCHISE COUNTY**

**Docket Z-20-08 and SU-20-07  
(Seed Capital)**

**Request for a Rezoning and Special Use Authorization**

Planning & Zoning Commission

August 12, 2020



***Public Programs...Personal Service***

## COCHISE COUNTY

## Docket Z-20-08 and SU-20-07 (Seed Capital)

- Two requests:
  - Rezoning (downzone): R-36 (residential one dwelling per 36,000 square feet) to RU-4 (Rural one dwelling per four acres).
  - Special Use: Request to allow phased medical cannabis grown and packing facility
- The subject property is located northwest corner of Fort Grant Road and Harguess Way, north of Willcox
- Parcel Number is identified as 201-30-007A
- The site is approximately 62 Acres, less than 4 acres for Special Use
- The Applicant is Seed Capital LLC, represented by Mr. Ron Redburn

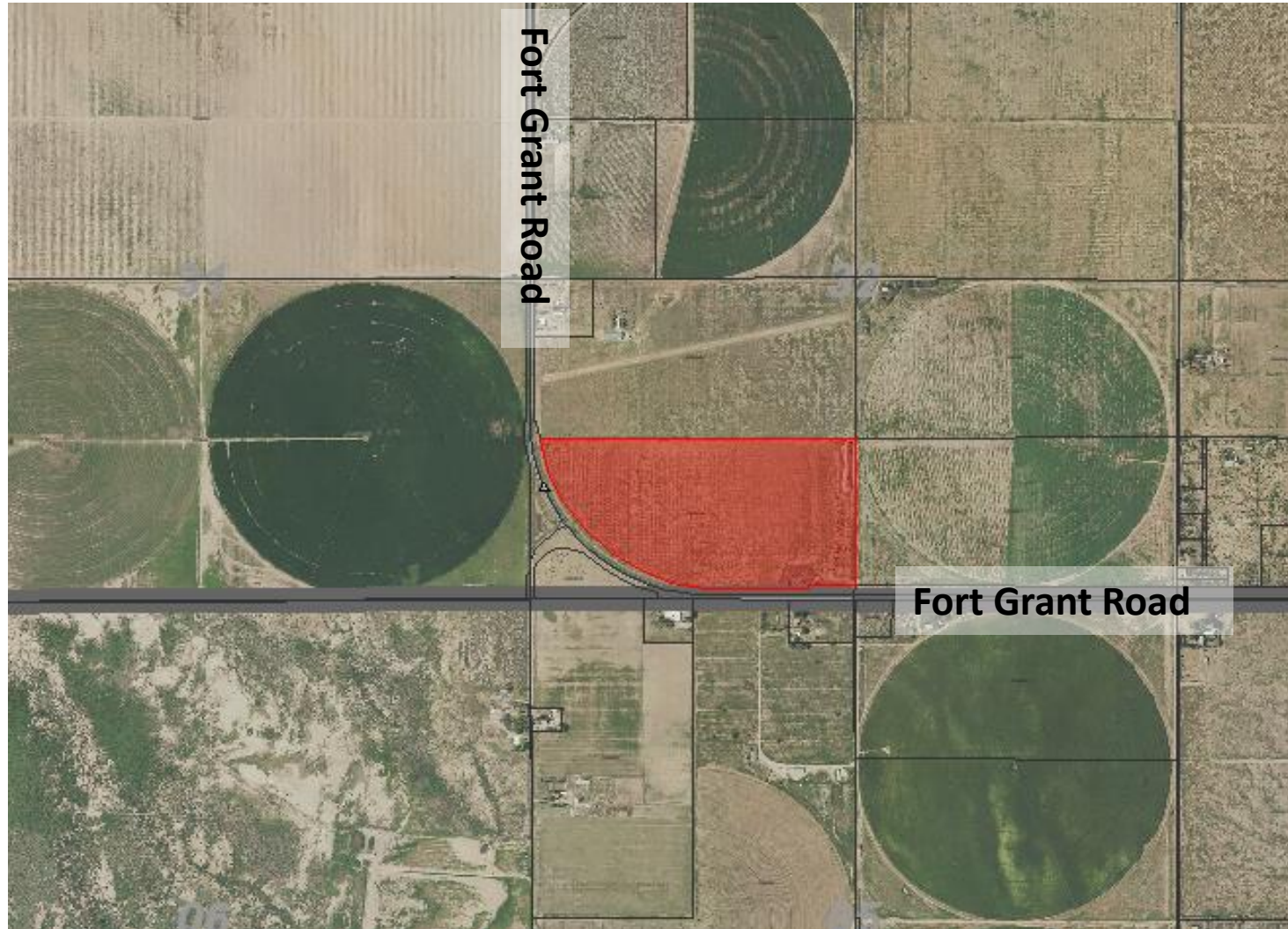


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**Location**



# COCHISE COUNTY

# Docket Z-20-08 and SU-20-07 (Seed Capital)

## Phase one:

- ~28,000 square feet in greenhouses,
- ~3,000 square foot office and agricultural storage of
- ~3,500 square feet storage.

## Phase two:

- Additional ~ 28,000 square feet in greenhouses.



Fort Grant Road

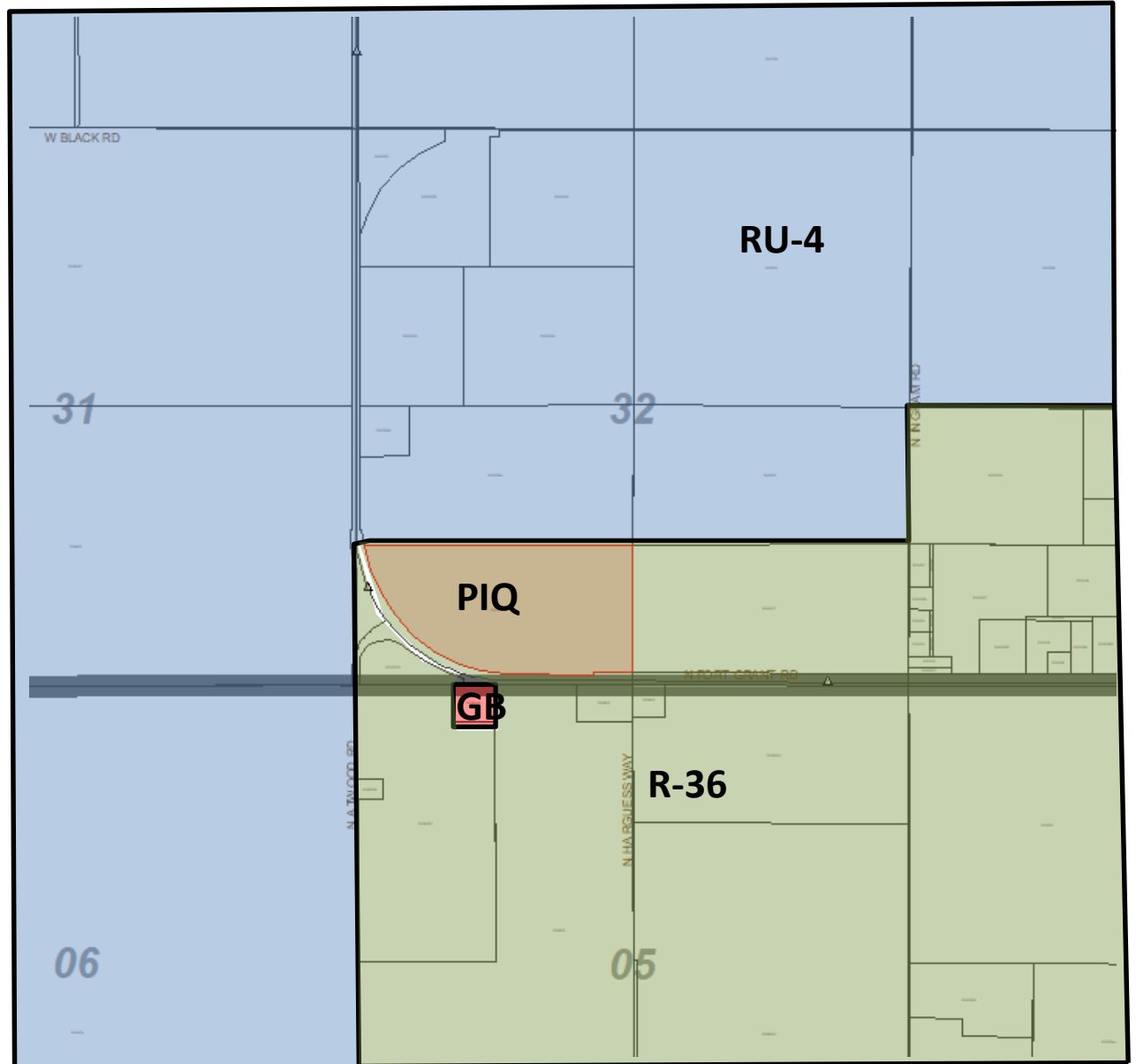


## Factors for or Against a Proposed Rezoning Applicationn

- Zoning Regulations have 15 factors used to evaluate a proposal
  - Twelve of the criteria apply to this request
  - As submitted complies with six criteria
  - Five criteria comply with conditions/modifications
  - One Does not comply (discussed in detail under SU)



Zoning



## Factors for or Against a Proposed Special Use Authorization

- Zoning Regulations have 10 factors used to evaluate a proposal
  - Nine of the criteria apply to this request
  - As submitted complies with four criteria
  - Four criteria comply with conditions/modifications
  - One does factor does not comply

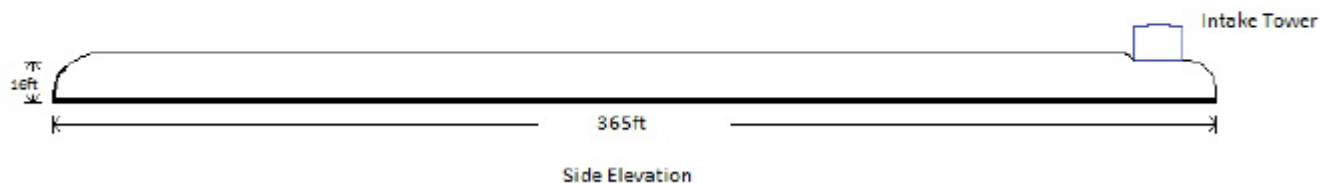


# Compliance with Duly Adopted Plans: Complies

- **Comp Plan:** Rural
- **Growth Area:** Category D (Rural Growth Areas)
- **Comp Plan:**
  - Agriculture and Ranching Element
  - Economic Development Element
  - Rural Character Element



**38ft x 365ft x 16ft High Tunnel Greenhouse**



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## **Compliance with the Zoning District**

### **Purpose Statement: Complies**

- Continues the low-density housing and agricultural uses
- Preserves the rural character
- Provides non-residential service that is compatible with rural living



## Development Along Major Streets: Complies with Conditions

- Fort Grant Road, paved County maintained road
- COA:
  - 50 foot dedication required
  - Right-of-way permit required for driveway, location to be adjusted



## Traffic Circulation Factors: Complies with Conditions

- Traffic generated would be similar to other types of farms
- Traffic is significantly less with a farm, then if developed with SFR
  - Expected average daily trips: 24.48 to 71.68
  - SFR trips (Under current zoning): 323 to 1.638



**Adequate Services and Infrastructure:  
Complies**

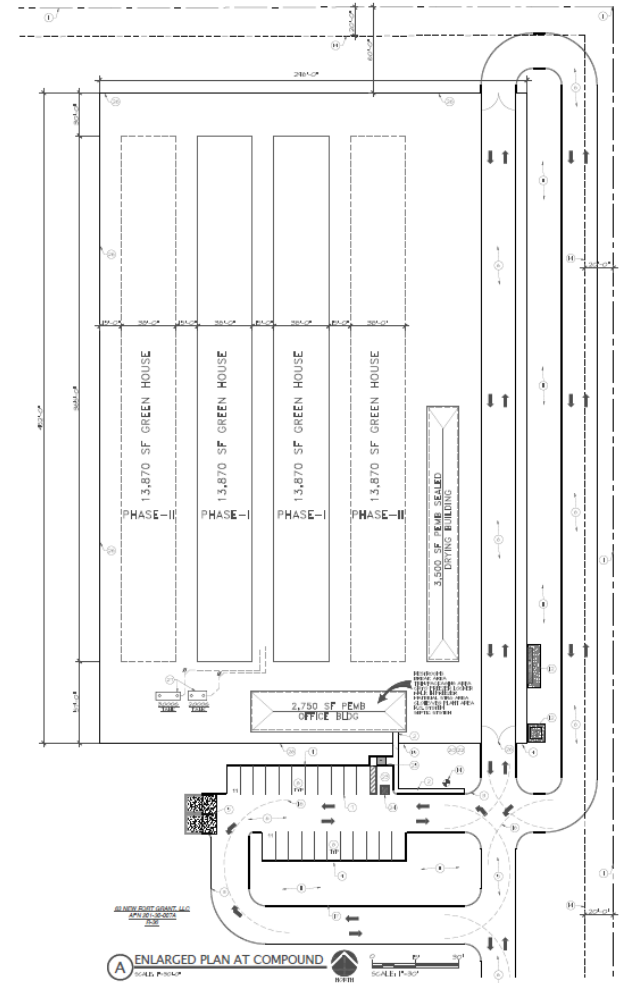
- SSVEC to provide electric
- Existing well
- Septic for wastewater



**Significant Site Development Standards:  
Complies with Conditions**

- **Parking**
  - Zoning Regs have not specific standards
  - Provides a space for each employee plus 6 additional
  - No customers
  - All parking and driveways will be treated with a minimum 2” gravel or similar
  - Staff recommending the Commission approved the parking as presented.
  
- **Screening**
  - State Law requires a minimum ten foot high wall around the facility
  - Staff has conditioned mature vegetation (24” box) provided on all four sides

- **Lighting**
  - Must comply with Outdoor Lighting Regulations
  - Security Drone system
  - Black out curtains on greenhouses



Public Input: Does not Comply

- 7 Letters in opposition
- No letters in support
- Issues cited:
  - Odor
  - Disapproval of the product grown
  - Lighting
  - Type of greenhouse
  - Ten foot wall



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## **Hazardous Materials: Complies**

No hazardous waste will be used or stored onsite.



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

- With the recommended Conditions, as discussed previous staff believes the offsite impacts can be mitigated



## Water Conservation: Complies

- Less use, then if developed with single family homes



## **Rezoning: Factors in Favor of Approval**

1. The request complies with eleven of the applicable Rezoning factors used by Staff to analyze this request;
2. With the recommended Conditions the request would be in keeping with the character of the existing development in the area;

## **Factor Against Approval**

1. Though not specifically on the rezoning, seven letters in opposition were received;
2. The request does not comply with one factor.

# **Special Use**

## **Factors in Favor of Approval**

1. With the recommended Conditions of Approval, the proposed use would fully comply with eight of the ten Special Use factors used by staff to analyze this request and would comply with two additional factors if the Conditions of approval are met;
2. The proposal complies with the Adopted Comprehensive Plan Agriculture and Ranching, Economic Development and Rural Character Elements;
3. The proposal complies with the Zoning Ordinance Category D purpose statement;
4. The proposal would have the same visual impact as any other agricultural use that would be allowed by right as a principal permitted agricultural use;
5. The proposal will provide jobs for up to 16 employees at full build-out;
6. The proposal is expected to generate significantly less traffic than if the site were developed, as it is currently zoned, for residential home sites.

## **Factor Against Approval**

1. The Planning Department has received seven letters in opposition to the request;
2. The Applicant does not comply with the Public input factor.

**Discussion**



***Public Programs...Personal Service***

# **Recommendation: Conditional Approval**

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.



## **Recommendation: Conditional Approval**

4. The applicant is required to obtain a Cochise County Right-of-Way/Encroachment Permit in advance or concurrent with their Commercial Permit application and coordinate with the Highway Department to provide a commercial access apron at the driveway intersection/connection with Fort Grant Road as per the Cochise County Roadway Design Standards or as approved by County Engineer;
5. At the Commercial permit, the Applicant shall submit documentation to the Floodplain department demonstrating compliance with the Floodplain regulations.
6. The ten(10) foot tall wall shall be screened with mature (trees shall be a minimum 24" box or equivalent) drought tolerant vegetation on all four sides.



## **Recommendation: Conditional Approval**

7. The applicant shall utilize a drone security system (or similar) to reduce the required lighting. Any lighting still required shall fully comply with the Outdoor Light Regulations.
8. The greenhouses shall employ the “blackout panels” or similar to reduce the glow from when grow lights are required.
9. The Owner shall dedicate an additional 50 feet of right-of-way for Fort Grant Road.
10. An Ecosorb or similar odor elimination system shall be utilized and included in the commercial permit submittal.



## Sample Motions

*Mr. Chairman, I move to recommend approval to the Board of Supervisors Rezoning, Z-20-08 (Seed Capital) located on parcel 201-30-007A, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

*Mr. Chairman, I move to approve Special Use Docket SU-20-07 (Seed Capital), located on parcel 201-30-007A, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

