



# Cochise County

## Development Services

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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 SUA2-97-08 (Pieper Farms)  
**DATE:** November 30, 2020 for the December 9, 2020 Meeting

### APPLICATION FOR A SPECIAL USE

The Applicant requests Special Use Authorization to construct the following:

- ~22,500 square foot potato washing building
- ~4,500 square foot 2 story office
- ~20,000 square foot raw potato storage

The property is located at 1980 N Hwy 191 and identified as parcel number 206-01-011J. The Applicant is Mr. 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

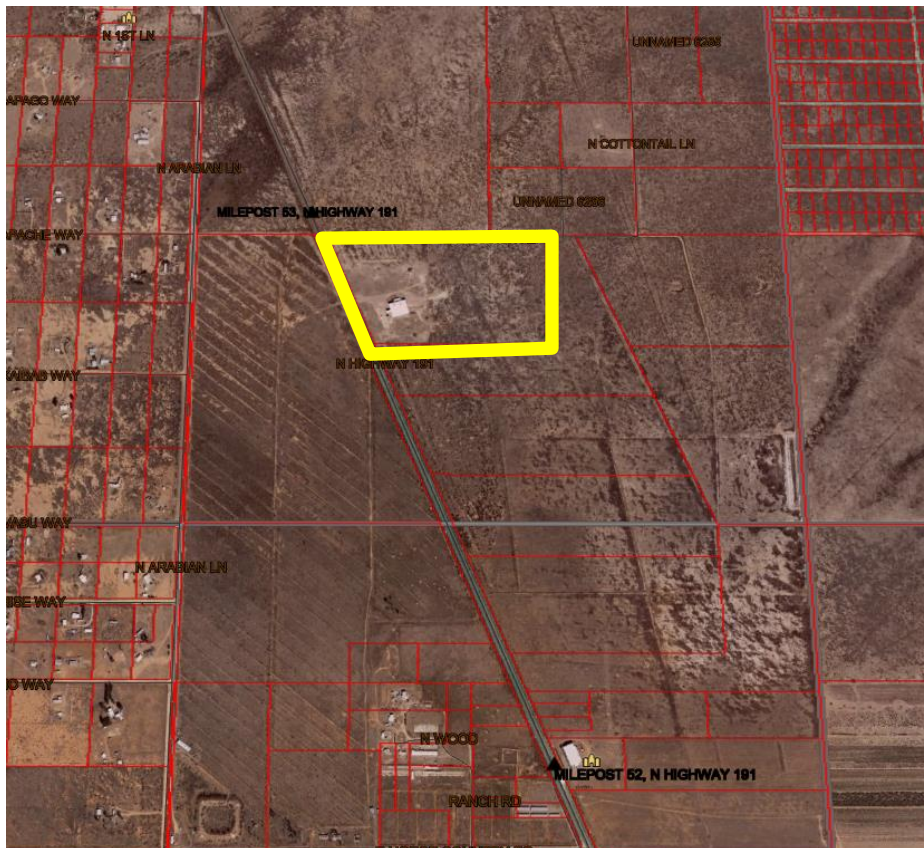
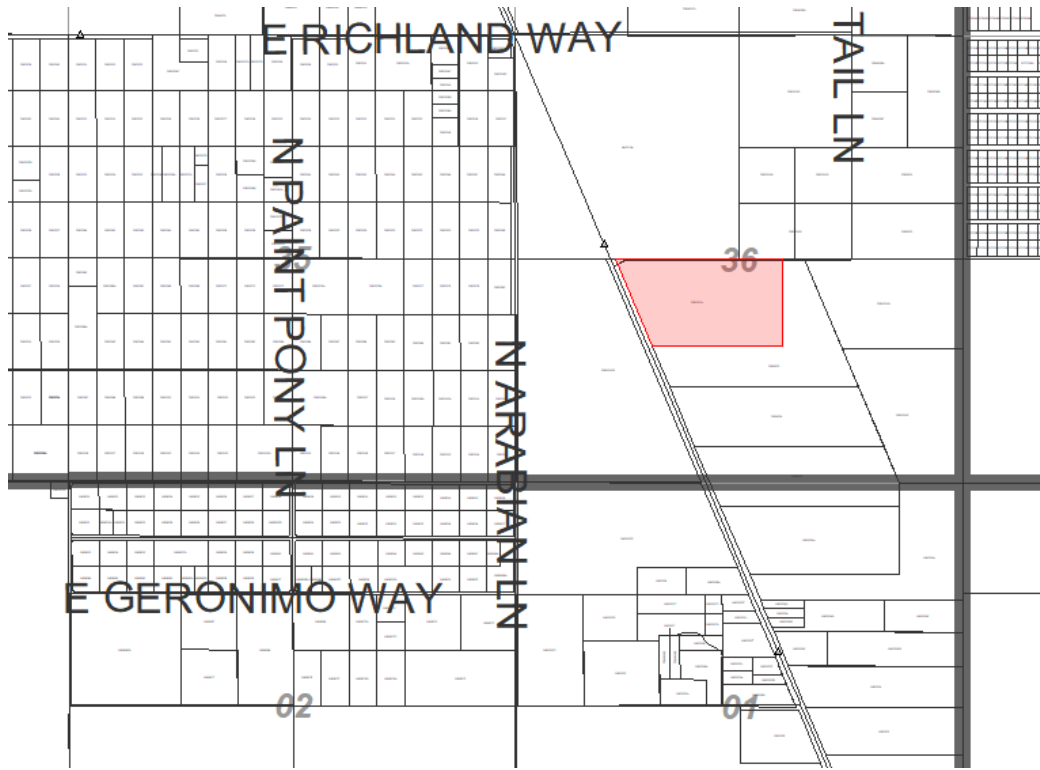
Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Vacant
South	RU-4	Vacant
East	RU-4	Vacant
West	RU-4	Vacant, farming, rural residential across SR191

#### **Planning, Zoning and Building Safety**

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Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
planningandzoning@cochise.az.gov

**I. LOCATION**

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



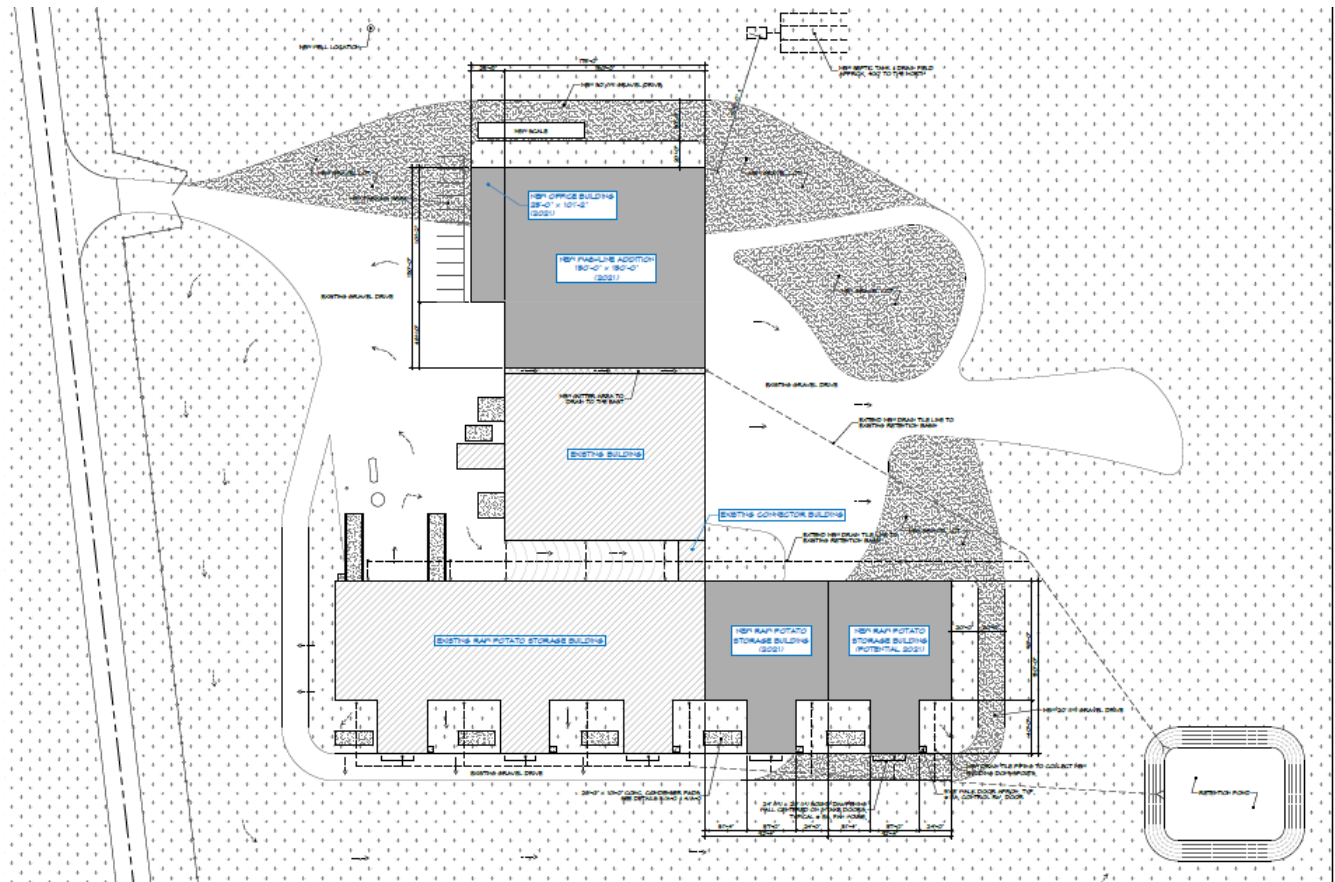
**III. PARCEL HISTORY**

- 1997: Special Use for Metal Building (Truck cover and strap manufacturing)
- 2000: Permit for existing building
- 2020: Special Use and building permit for previous expansion

**IV. NATURE OF REQUEST**

In early 2020 the applicant applied for a Special Use modification to add an additional 30,000 square foot addition to the existing 22,000 square foot warehouse. Building permits were obtained and construction is nearly complete. The applicant is not requesting additional square footage to allow additional processing area, offices, breakrooms, etc. The new square footage proposed is :

- ~22,500 square foot potato washing building
- ~4,500 square foot 2 story office
- ~20,000 square foot raw potato storage



**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 nine of those factors, and

complies with one more with the recommended modifications.

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

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.*

Under the previous special use modification there were some concerns expressed by a few neighbors, approximately 1,500 feet away that state they can hear the cooling units turning on in the evening. New units have been installed. During staff inspection the units were audible along SR191 but were largely muffled by the Highway traffic. Staff also drove down Arabian, adjacent to the Richland Ranchettes neighborhood, turned off the vehicle and listened for up to 5 minutes at each cross street. There were no noises audible above the highway at that time.

- *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 comment. No response was received.



**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 10-15 per day. ADOT did not express concern regarding the project.



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

The site is already development with a ~52,000 square foot building. Utilities include a well, a septic systems and electric. A new septic system will be installed. SSVEC was included 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 94 spaces plus another 12 for the office (1 per 350 square feet). Based on the seasonal nature, no customers visiting the site, and only 17 employees (no change in employees as a result of the expansion) at the peak that this number is excessive. However, should additional parking be required the site is flat and can adequate accommodate additional parking. The Planning Commission previously approved a modification to allow parking based on the applicants site plan. Staff supports approval of the modification to the required parking as shown on the site plan.

**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.

**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 Planning Commission approved a modification to the height for the previous structure at 33' 5". Although the new proposed structures are approximately 30 feet staff would once again support a modification allowing height up to 35 feet in case issues are to arise during the permitting or flood plain reviews.

**G. Public Input: Complies**

In response to County notification Staff has received no letters on the proposed project.

**H. Hazardous Materials: Complies**

No hazardous waste will be used or stored onsite.

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

As previously discussed, the previous modification had neighborhoods voice concerns over the noise impact. No letters were received in Code Compliance complaints on the property.

**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 2,000 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 no written communication from the public.

**VII. WAIVERS**

1. Based on the seasonal nature of the business, a maximum of 17 employees (no change from the previous amendment) and a large, flat cleared lot that could accommodate additional vehicles staff recommends approval of a waiver to the required 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 if necessary.

## **VIII. SUMMARY AND CONCLUSION**

The Applicant requests a Special Use Authorization to approve:

- ~22,500 square foot potato washing building
- ~4,500 square foot 2 story office
- ~20,000 square foot raw potato storage

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;

### **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. All parking areas, drive aisles, and staging areas shall be treated with a minimum 2" of gravel.
5. The applicant shall comply with all Floodplain requirements.

Sample Motion: *Mr. Chairman, I move to approve Special Use SUA2-97-08 with the Conditions of Approval and Modification recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*