

COCHISE COUNTY

Docket SU21-01 (Holmes)

Request for a Special Use Authorization

Planning & Zoning Commission

March 10, 2021



Public Programs...Personal Service

COCHISE COUNTY

Docket SU21-01 (Holmes)

- Special Use Authorization to construct an approximately 20,000 enclosed medical marijuana cultivation, packaging and dispensary
- The subject property is located approximately ½ miles northeast of Foothills Road on Community Road
- Parcel Number is identified as 402-11-001
- The site is approximately 42 Acres
- The Applicant is Mr. Jeffery Holmes

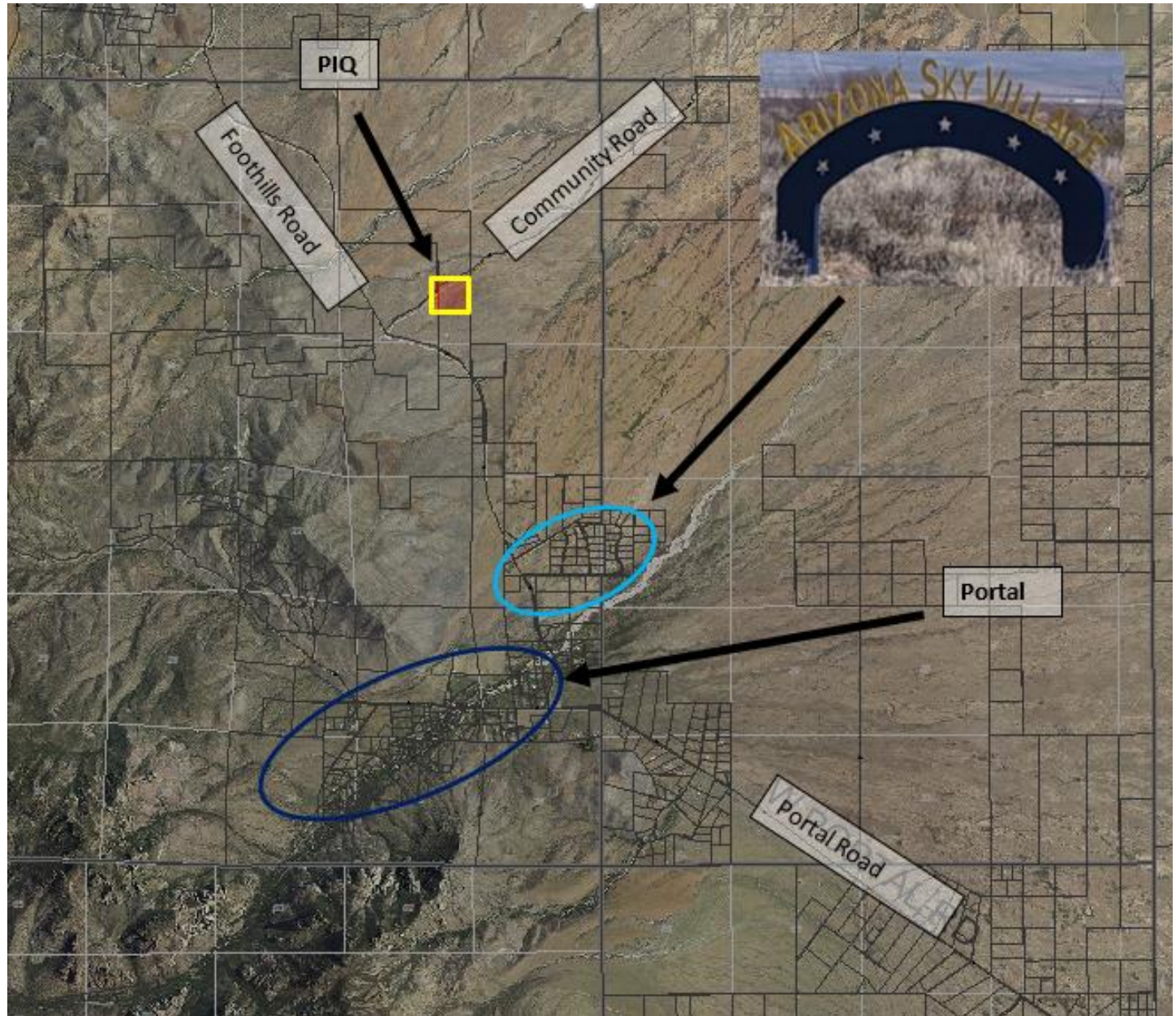


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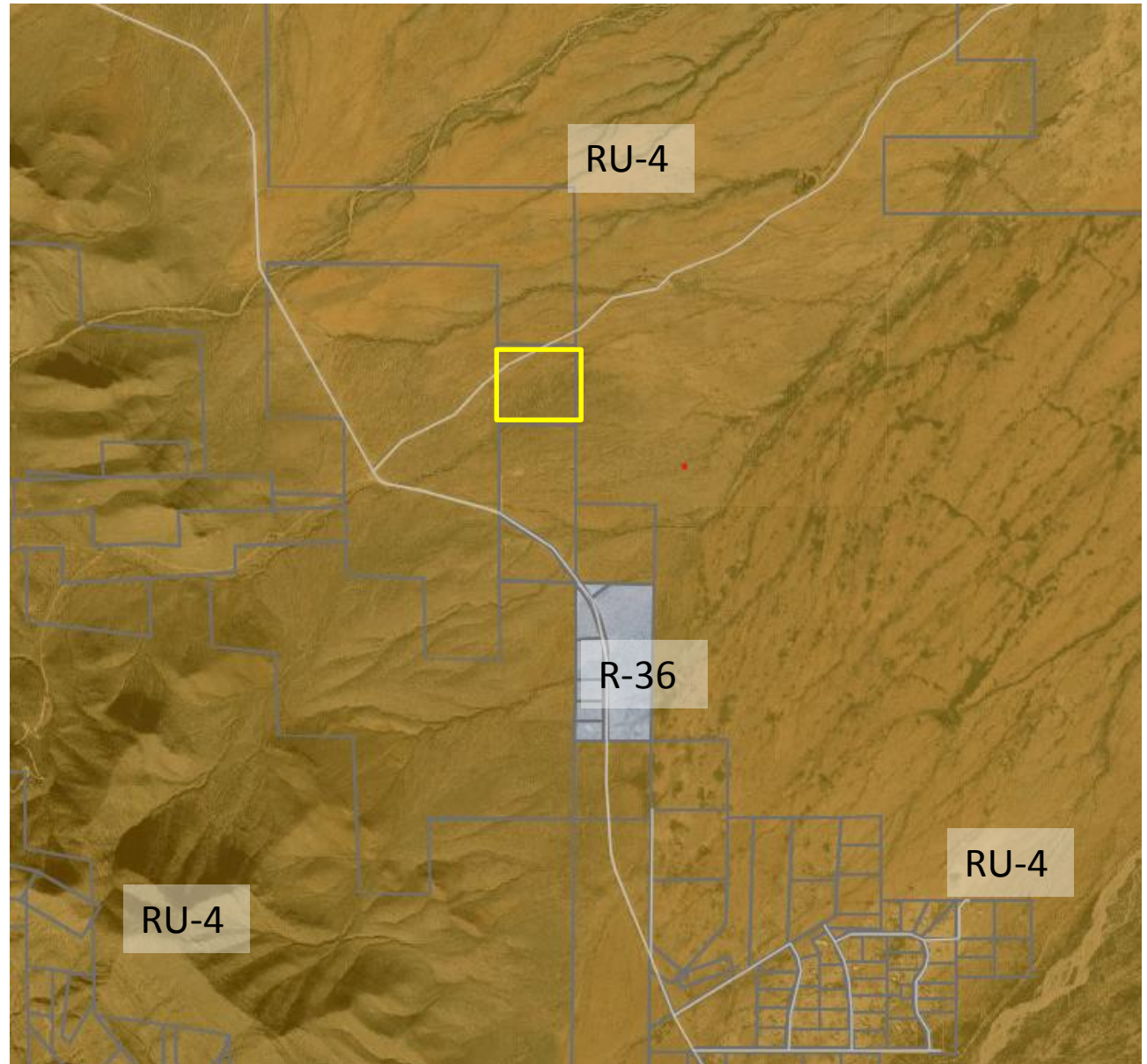
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Location



Zoning

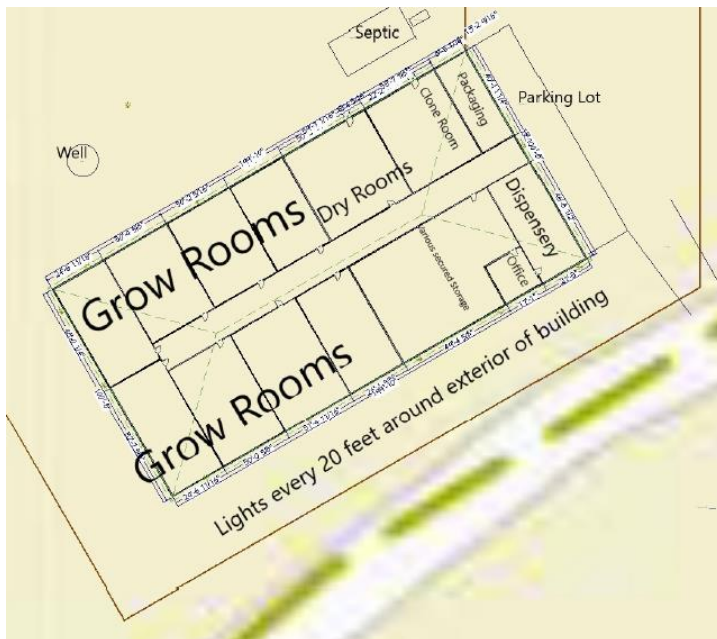


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Proposed ~ 20,000 square foot building

- Eight (8) 1125 square foot grow rooms
- One (1) 3,000 square foot packaging room
- One (1) 2,000 square foot dry room
- One (1) 3,000 square foot dispensary
- One (1) 1,000 square foot office
- One (1) 2,000 square foot storage, security/safe room



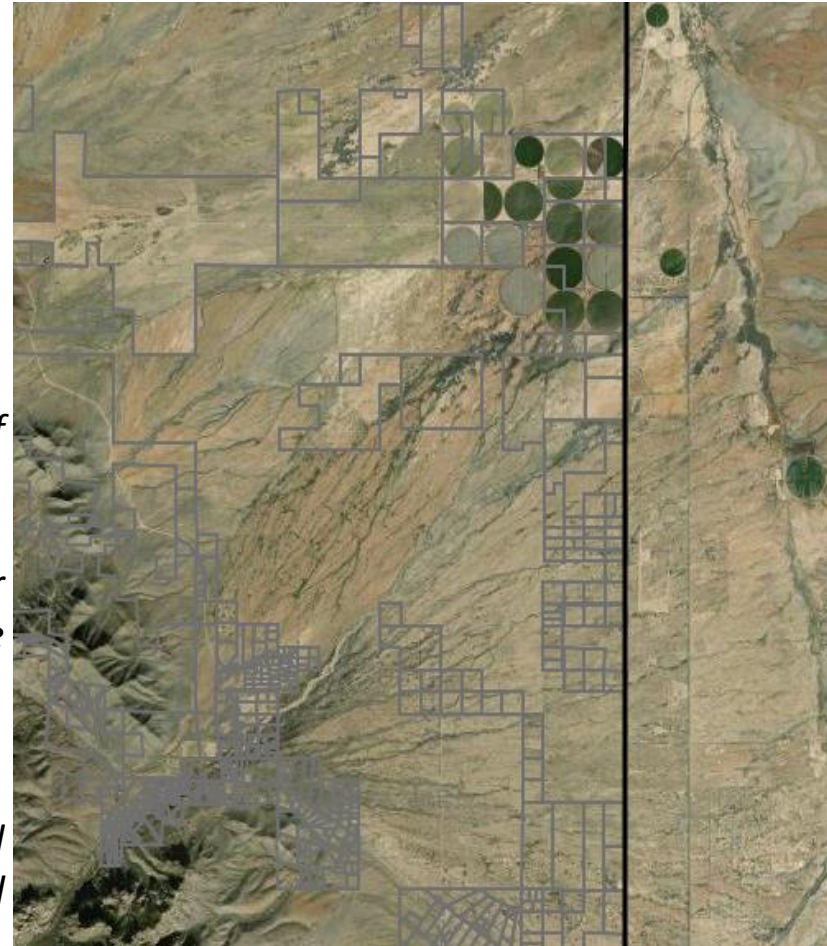
Factors for or Against a Proposed Special Use Authorization

- Zoning Regulations have 10 factors used to evaluate a proposal
 - Nine of the criteria apply to this request
 - As submitted complies with three criteria
 - Five 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
Continue encouraging the development of agricultural processing...
 - Economic Development Element
Supporting small businesses will not only spur diversified income opportunities and ensure economic competitiveness...
 - Rural Character Element
Provide for a continuation of traditional rural ways of life, such as farming, ranching, and other agricultural-related activities...



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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: Not applicable

- Community Road is local non-County maintained road
- Only one driveway is proposed



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Traffic Circulation Factors: Complies with Conditions

- Traffic generated would be similar to other types of farms
- Traffic is slightly more with the SU than 10 SFR
- Expected average daily trips:
 - 50 employees: generate estimated 150 trips
 - Dispensary: based on 3,000 square feet 193 (Specialty retail)
 - Total 343 vehicle trips per day
 - Site could be developed SFR trips (Under current zoning): 43 and 218



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Adequate Services and Infrastructure: Complies with condition

- Located on non-maintained road
- Research on easements will need to be conducted by applicant
- COA for a private maintenance agreement (PMA)
- Well for water, permitted by State
- Septic for wastewater



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Significant Site Development Standards: Complies with Conditions

- **Parking**

- Zoning Regs have no specific standards
- Retail is 1 per 350 sf (9)
- Manufacturing is 1 per 1,000 (17) plus 1 per employee(50)
- Total: 76 required
- 30 spaces are provided
- Parking analysis required at permit submittal
- All parking and driveways will be treated with a minimum 2" gravel or similar

- **Screening**

- Because this is a locked facility no wall is anticipated
- Staff is recommending a wavier allowing a wall/fence up to ten feet



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Significant Site Development Standards: Complies with Conditions (cont.)

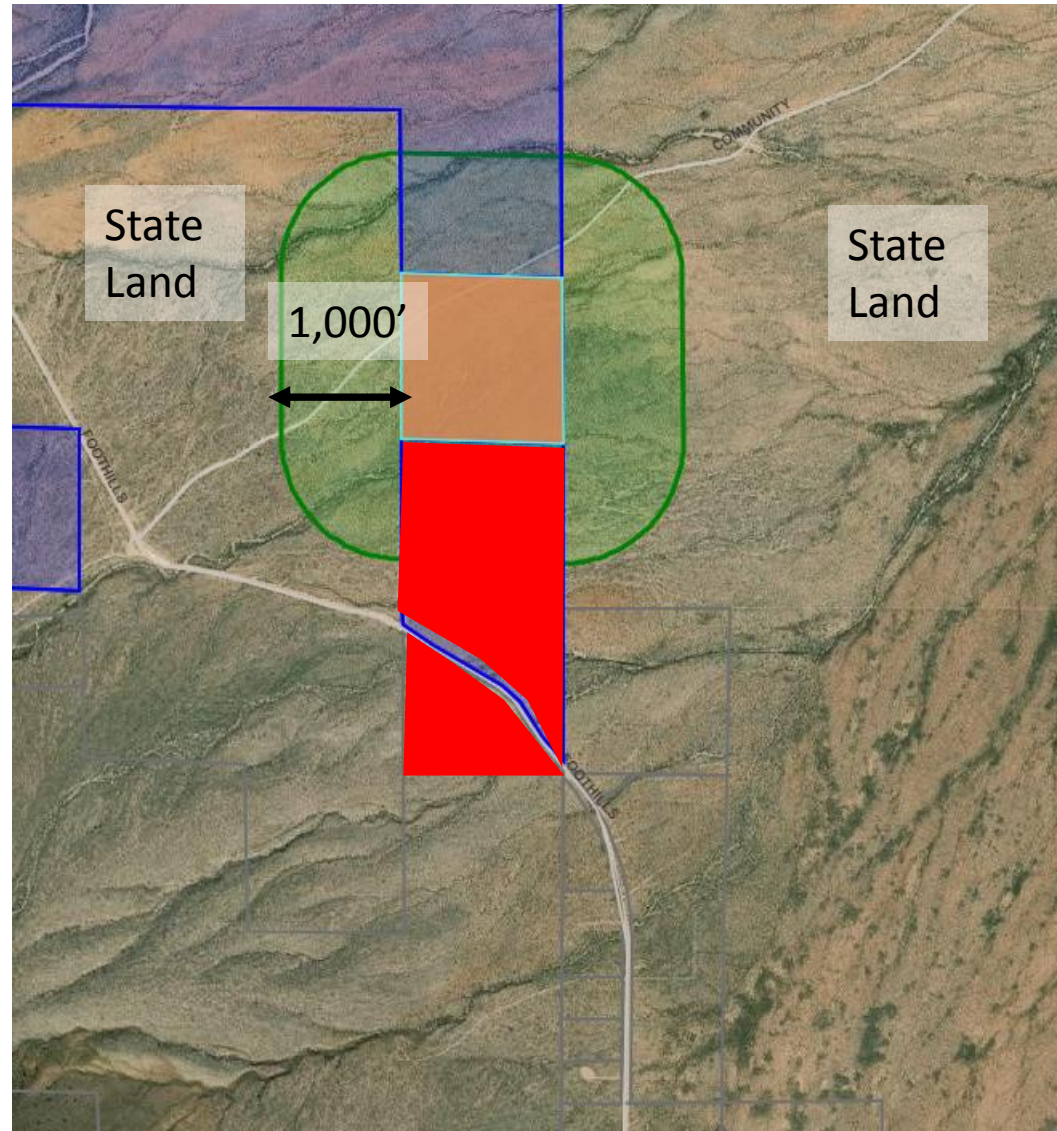
- **Lighting**
 - COA exceed Regulations
 - No outdoor lighting shall be provided except as required by code. Where lighting is necessary, the fixtures shall be International Dark Skies (IDA) approved. This shall be documented at permit submittal.
 - Black out curtains on exposed windows
- **Landscaping**
 - Not required



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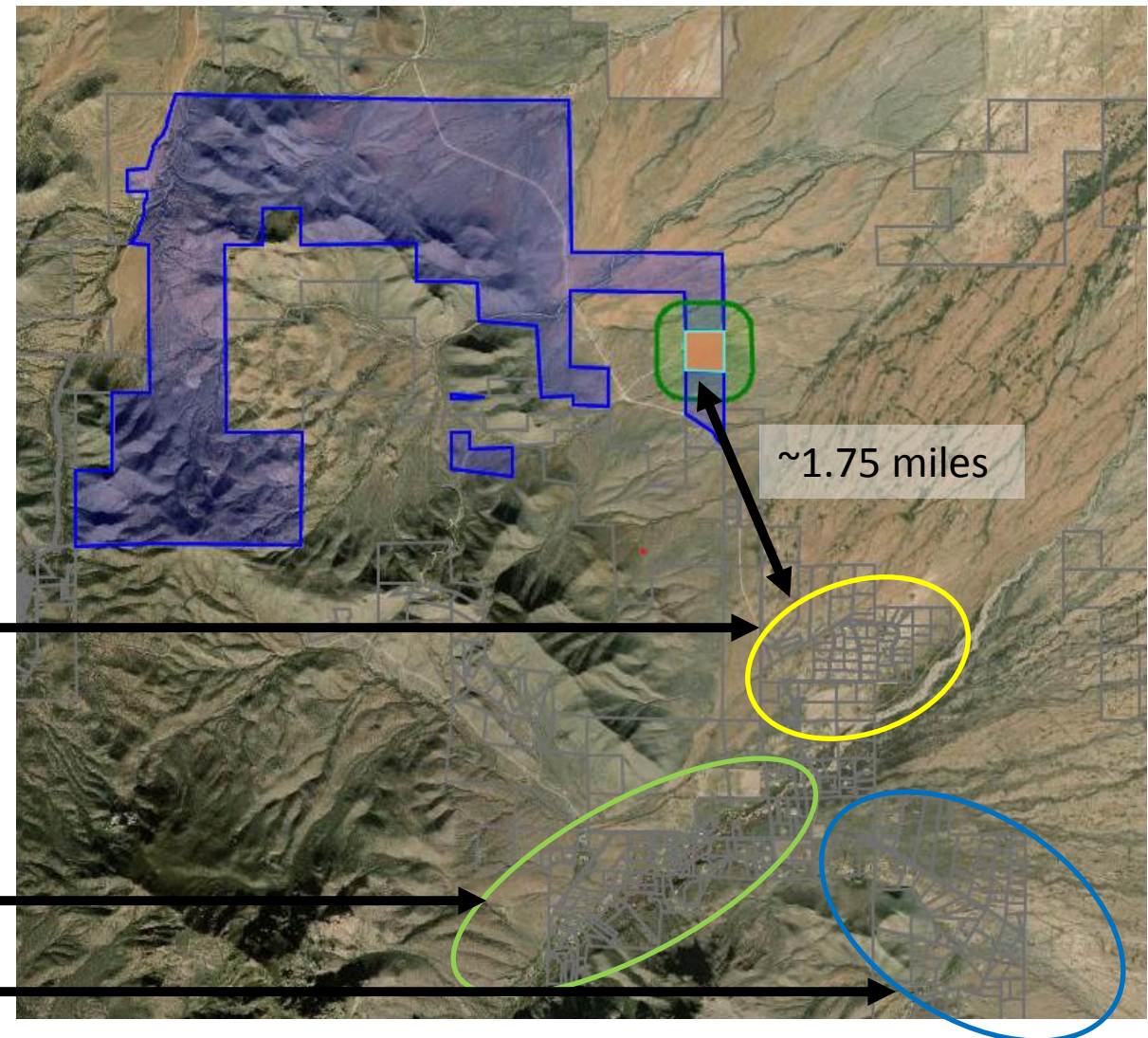
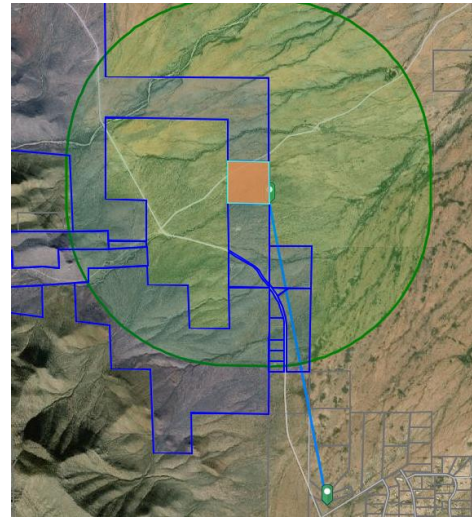
Public Input: Does not Comply

- ~124 Letters in opposition
- 5 letters in support
- Issues cited:
 - Odor
 - Lighting
 - Traffic
 - Appropriateness of location



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Public Input: Does not Comply



Arizona Sky Village ~ 30
letters in opposition

~ 10 undisclosed
~ 9 out of area

Portal/Cave Creek ~ 50

Three Triangles ~ 25

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**Hazardous Materials: Complies with
Conditions**

- Fertilizers, pesticides, THC storage and disposal

COA Hazardous Materials questionnaire. Property storage, use and disposal



Off-Site Impacts: Complies with Conditions

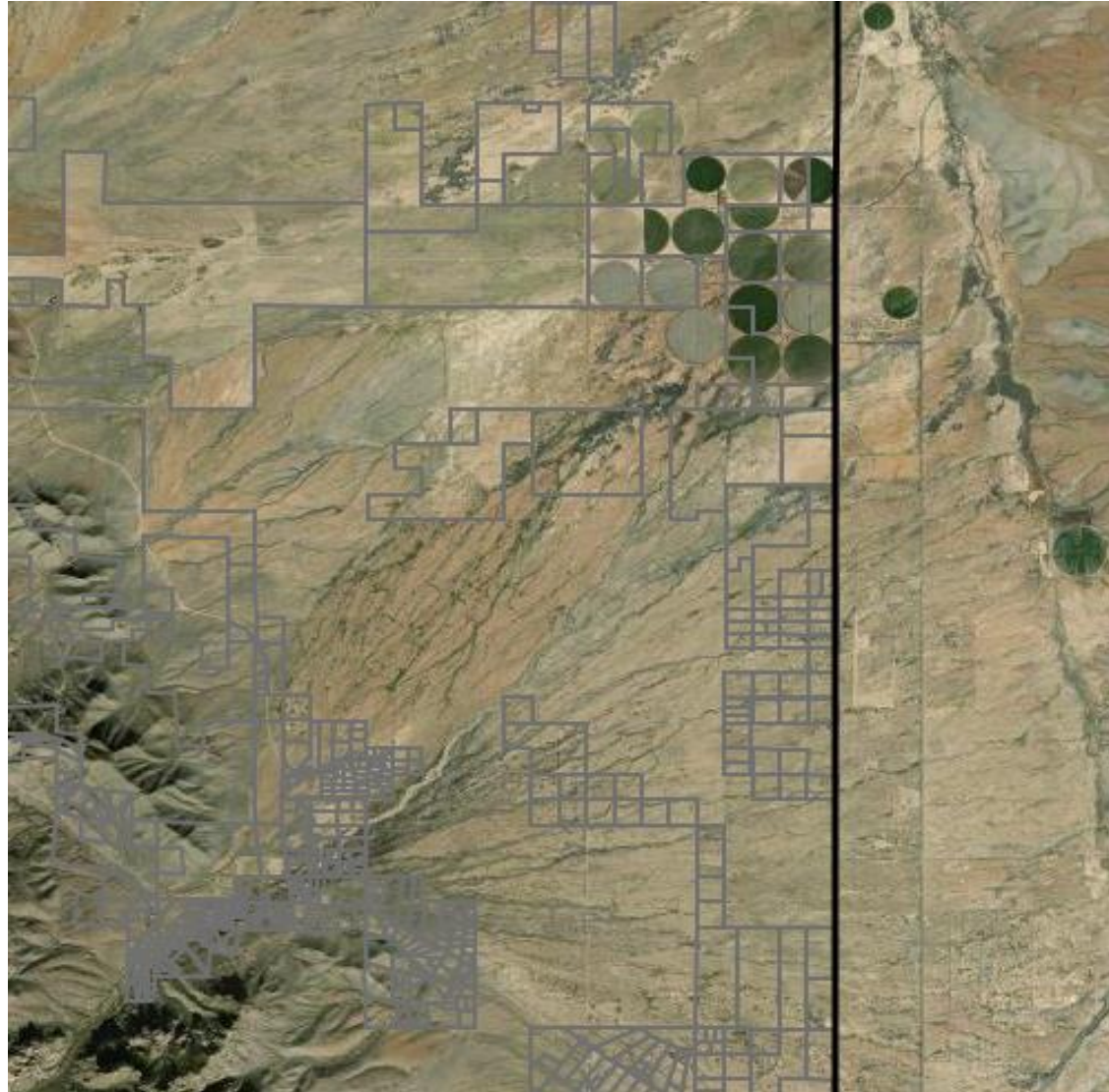
- With the recommended Conditions, as discussed previous staff believes the offsite impacts can be mitigated



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Water Conservation: Complies

- Numbers in Application are underestimated
- ~6 gallons of water per plant, per day
- Ag is unregulated, fruit, nut trees would be planted unregulated
- Drip irrigation used
- Indoor, low evaporation



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 fifty employees at full build-out; and
6. The proposal is expected to generate less traffic than if the site were developed, as residential home sites.
7. The Planning Department has received five (5) letters in support of the request.

Factor Against Approval

1. Though not specifically on the rezoning, 124 letters in opposition were received;
2. The request does not comply with public input factor.

Discussion



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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.
4. The applicant shall provide a parking analysis at permit submittal that justifies the proposed reduction in parking or shall provide the Zoning Regulations' required spaces.



Recommendation: Conditional Approval

5. All on-site parking, driveways, and maneuvering areas shall receive at least a two-inch layer of gravel.
6. A detailed, dimensioned site plan shall be provided in conjunction with the permit submittal.
7. The applicant submits a hazardous materials questionnaire in conjunction with permitting. All chemicals, fertilizers, or any hazardous product associated with the cultivation of marijuana shall be used, stored, and disposed of in a manner consistent with the manufacturer's instructions and/or any law that governs same. Cannabis remnants, infused products, bi-products, and other waste material shall be rendered unusable and disposed of in a safe, sanitary, and secure manner.



Recommendation: Conditional Approval

8. In conjunction with the permit submittal, the applicant shall provide an odor mitigation plan that will eliminate odors at the property line.
9. Minimize the amount of area to be disturbed. At this time, the applicant is anticipated to grade less than an acre.
10. Any areas disturbed shall receive dust mitigation measures which could include gravel, native planting, temporary soil stabilization.
11. All on-site parking, driveways, and maneuvering areas shall be treated with a minimum of 2" of gravel.
12. There shall be no outdoor lighting except that is required by Code. All exterior fixtures shall be approved by the International Dark Skies Association. Any openings in windows or roof where light may spill outside shall be treated with black-out curtains. This shall be presented at permit submittal.
13. At the Commercial permit, the applicant shall submit documentation to the Floodplain department demonstrating compliance with the Floodplain Regulations.



Sample Motions

Mr. Chairman, I move to approve Special Use Docket SU21-01 (Holmes), located on parcel 402-11-001, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.

