

**COCHISE COUNTY**

# **Docket SU21-08 (MC Swap Meet)**

## **Request for a Special Use Authorization Swap Meet**

Planning & Zoning Commission

April 14, 2021



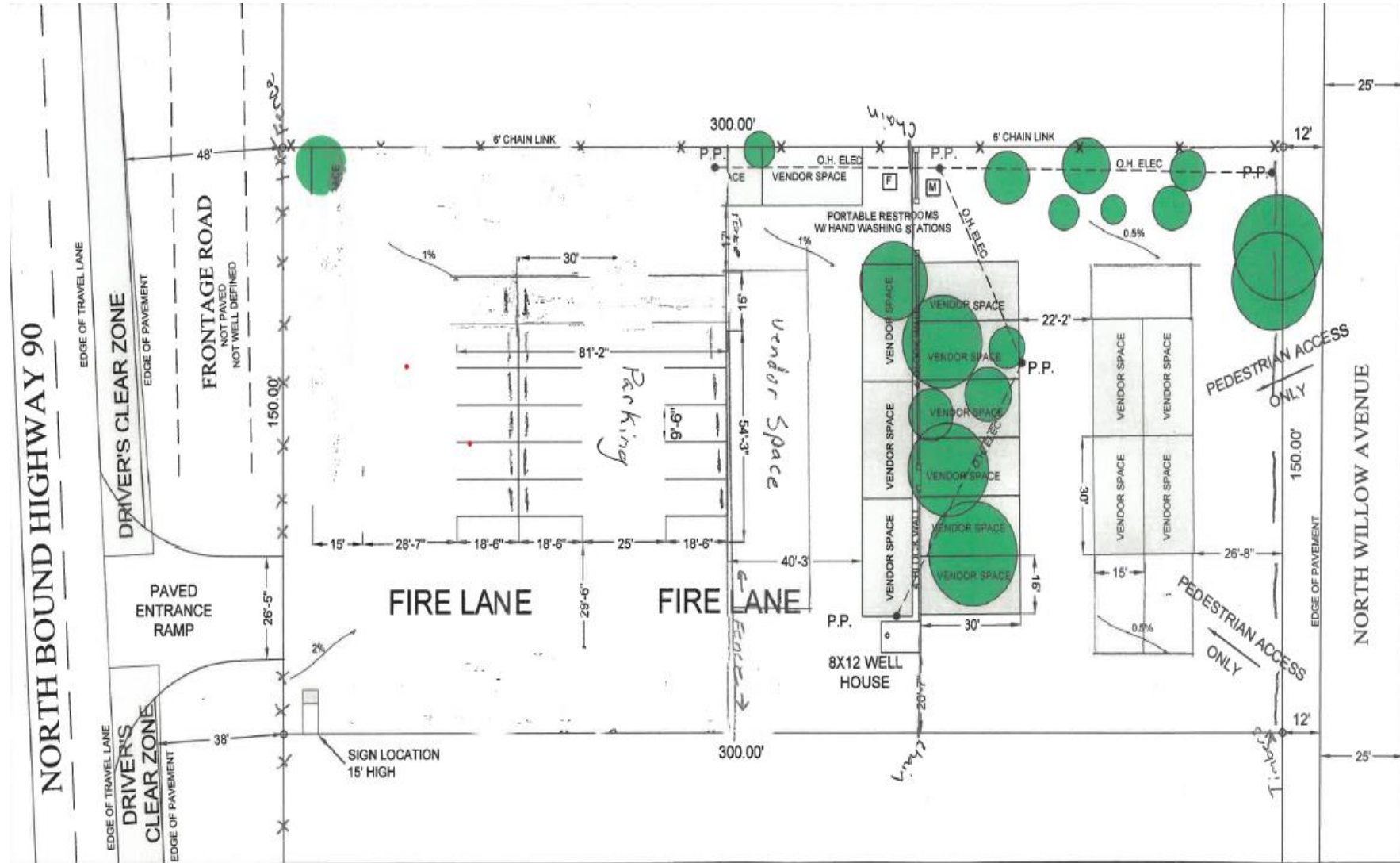
***Public Programs...Personal Service***

- The request is to operate a Swap Meet
- The site is located at 2092 N Highway 90
- The site is approximately 1.3 acres
- The Zoning is GB
- The Applicants are Tamara Smith and Joshua New





Site Plan



## 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 six criteria
  - Three criteria comply with conditions/modification



## Compliance with Duly Adopted Plans: Complies

- **Comp Plan:** Enterprise
- **Growth Area:** Category B (Developing Areas)
- **Area Plan:** None

Enterprise Area:

These are areas which have been identified as having an established pattern of commercial or industrial land uses

Economic Element:

*Encourage development in areas with access to existing infrastructure and services.*

*Education, creativity, and entrepreneurship are essential and should be encouraged*

## Compliance with the Zoning District

### Purpose Statement: Complies

*1201.01 To provide appropriate areas for office uses, retail stores and service establishments in which the market area extends beyond the nearby neighborhoods;*

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

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

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

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

Located in an Area of Commercial/light industrial development



**Development Along Major Streets: Complies with Condition**

- SR92: ADOT concerns/ improvements
  - Bring the existing driveway up to ADOT standards
  - Install fencing and/or other barriers to prevent parking from taking place offsite and in the ADOT right-of-way
  - Installation of no parking signs along SR 90
  - Other requirements deemed necessary for the safety of vehicular traffic on SR90.
- Willow: Paved, County maintained



**Traffic Circulation Factors: Complies**

- Concern over “Frontage Road”
- COA: The Applicant shall work with ADOT and provide approval from that agency prior to commencing operation. Working with ADOT the Applicant will ensure the site has safe access and is not creating unsafe conditions along SR90. Improvements may include but are not limited to upgrading the existing driveway, the installation of fencing/barricades, and installation of no parking signs along SR90 to the satisfaction of ADOT.



**Adequate Services and Infrastructure:  
Complies**

- Existing vehicle access off SR92
- Onsite well and electric, portable restrooms proposed



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## Significant Site Development Standards: Complies with Conditions and modification

### Setbacks:

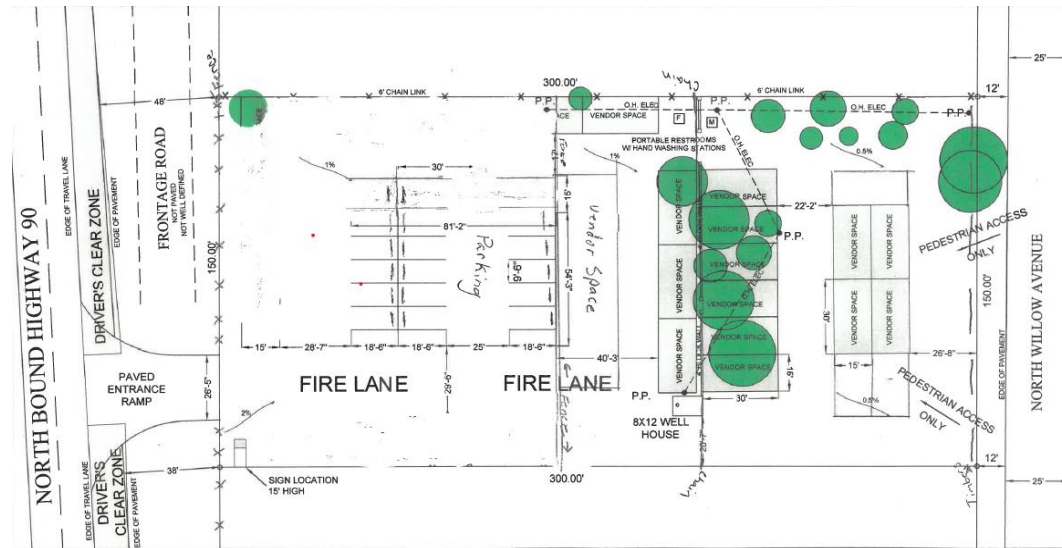
- Five (5) setbacks North and South
- Twenty Feet East and West

### Lot coverage

- Allowed 85%
- Less than 50% (temporary)

### Lighting:

- Must comply with Outdoor Lighting Regulations
- COA for detailed Site Plan



## Public Input: Complies

- One (1) Letter in support

Concern on trash and trespassing



**Off-Site Impacts: Complies**

- Traffic
- Noise
- Trash

COA: No storage onsite, cleaned each day



## Water Conservation: Complies

- No water use proposed



## Factors in Favor of Approval

1. With the recommended Conditions of Approval/modification, the proposed use would fully comply with six of nine applicable Special Use factors used by staff to analyze this request and would comply with three additional factors if the waiver is approved and the Conditions of approval are met;
2. This project will provide the diversity of business discussed within the Comprehensive Plan by providing support of entrepreneurship of a different type of business in the County.
3. The Comprehensive Plan states: *Education, creativity, and entrepreneurship are essential and should be encouraged as part of an economy-based land use policy. Supporting small businesses will not only spur diversified income opportunities and ensure economic competitiveness but will also foster resilience in the face of economic challenges such as natural disasters.* This business adds to that diversity.
4. The area is designated as Enterprise in the Comprehensive plan and supports commercial and industrial development.
5. One (1) letter in support was received.

## **Factor Against Approval**

1. Extensive improvements to ensure the safety of the patrons of the swap meet and vehicles traveling on SR90 may be required by ADOT.

Discussion



# **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 shall install a fence, curbing or some other approved barrier along Willow Avenue and the “Frontage Road” restricting access to only one vehicle access point on SR90 as approved by ADOT.
5. The Applicant shall work with ADOT and provide approval from that agency prior to commencing operation. Working with ADOT the Applicant will ensure the site has safe access and is not creating unsafe conditions along SR90. Improvements may include but are not limited to upgrading the existing driveway, the installation of fencing/barricades, and installation of no parking signs along SR90 to the satisfaction of ADOT.
6. All trash shall be removed from the site daily.



**Recommendation:  
Conditional Approval**

7. No permanent structures are approved to be constructed on the site. All shade covers, vehicles, box vans, sales materials shall be completely removed from the site each day. No storage of any materials is allowed.
8. A five-foot landscape strip shall be provided along SR90 and Willow Road.
9. The Applicant shall provide an updated, detailed and fully dimensioned with the Commercial Permit submittal.
10. All vendor and customer parking shall occur entirely on the parcel. There shall be no on street parking. Should it become an issue the applicant may be required to install traffic signs to prevent on street parking along, Willow, Spruce and Oak.
11. All food vendors shall obtain permits from Cochise County Environmental Health Department.



## Sample Motion

*Mr. Chairman, I move to approve Special Use Docket SU21-08 (MC Swap Meet), located on parcel, 106-24-065 with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

