



# 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, Development Director  
**SUBJECT:** Docket SU21-08 (MC Swap Meet)  
**DATE:** February 26, 2021 for the March 10, 2021 Meeting

### APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant requests Special Use Authorization to operate a swap meet on a 1.3-acre parcel. The project is located at 2092 N Highway 90 north of Huachuca City. The parcel is identified as 106-24-065.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 1.3 acres  
Current Zoning: GB (General Business)  
Proposed Zoning: Same  
Growth Area: Category B  
Comprehensive Plan Designation: Enterprise  
Area Plan: None  
Existing Uses: Vacant lot with some improvements such as utilities and a wall  
Proposed Uses: Swap meet with approximately 11,000 square feet of retail area

### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Vacant/Storage
South	GB	Vacant
East	MR-1	Residential
West	GB	Vacant

### II. PARCEL HISTORY

Residence that has been removed.

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

**III. NATURE OF REQUEST**

The Applicant requests Special Use Authorization to operate a swap meet on a 1.3-acre parcel. The site plan shows parking located on the front of the property near SR 90 and the majority of the merchant area located toward the rear. The applicant worked with Staff and ADOT to ensure that adequate offsite parking will be provided, reduce pedestrian and vehicular conflicts, and reduce parking/traffic conflicts along the State Highway.

**IV. 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.

With the information provided, nine (9) factors apply to this request. The project, as submitted, fully complies with six (6) of the factors. With the recommended conditions/modification, the project complies with three (3) additional factors.

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

The Comprehensive Plan designates the parcel as Enterprise. These are areas which have been identified as having an established pattern of commercial or industrial land uses. Future land development is encouraged to follow that trend.

The Land Use Element of the Comprehensive Plan States: *Goal 1. Development in the Cochise County’s unincorporated areas should occur in a manner consistent with the established Growth Categories and Plan Designations provided in this Plan with accompanying maps, plats, charts, and descriptive matter as per ARS.* Policy a states: *New intensive development should be located in areas designated for growth and higher densities in close proximity to adequate facilities and infrastructure, particularly in category A and B Growth Areas.*

The property and all surrounding properties are designated as Category B, Enterprise, and Neighborhood Conservation





across Willow. The Enterprise are areas which are expecting to have commercial and industrial growth.

The Economic Development Element states *Goal 1. Support the preservation and expansion of the Cochise County’s tourism, technology, agriculture, security, renewable energy, and transportation sectors.* Policy a. *Continue to support Fort Huachuca, the Ports of Entry, and related businesses as regional economic clusters.* Policy d. *Encourage development in areas with access to existing infrastructure and services.*

The Plan also 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 project will provide the diversity discussed within the Plan by providing support of entrepreneurship of a different type of business in the County.

**2. 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.*

The proposed swap meet is located along the State Highway in an area where commercial (Recreational Vehicle Sales) and industrial development (Waste Management) is common. The proposed use has access to the State Highway and secondary access on Willow Avenue.

**3. Development along Major Streets: Complies with conditions**

The project is located along SR90. ADOT was included on the transmittal. As seen in their attached correspondence, initially ADOT was in opposition to the request. The concerns revolved around not having adequate onsite parking. This in turn could result in vehicles parking in the frontage road and along SR90. After revising the site plan and a discussion with ADOT they are conditionally ok with the request. The applicant will be required to:





- 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.

**Conditions:**

1. The applicant shall work with ADOT to ensure the site has safe access and is not creating unsafe conditions along SR90. These can include but are not limited to upgrading the exiting driveway, the installation of fencing/barricades, and installation of no parking signs along SR90 to the satisfaction of ADOT.

**4. Traffic Circulation Factors: Complies with conditions**

As discussed above, the applicant shall work with ADOT to provide safe access to the site without creating unsafe travel along the State Route. The existing access will need to be brought into current standards. The site has a direct and improved driveway approach to the State Highway, however there is an unimproved “frontage road” that is located between the property and the Highway.

The Site also has access from Willow Avenue, a County maintained public road. The right-of-way department does not require any additional improvements or dedication at this time.



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

The site is located on and will take direct access of SR90. As previously mentioned ADOT will be requiring improvements. Willow Avenue does not propose to provide any vehicle traffic at this time. No new driveways are requested. Barriers (railroad ties or similar) will be placed along willow to prevent vehicles from entering the pedestrian areas.

A well and electric service is located onsite.

**6. Significant Site Development Standards: Complies with conditions and modifications**

**Site Plan:**

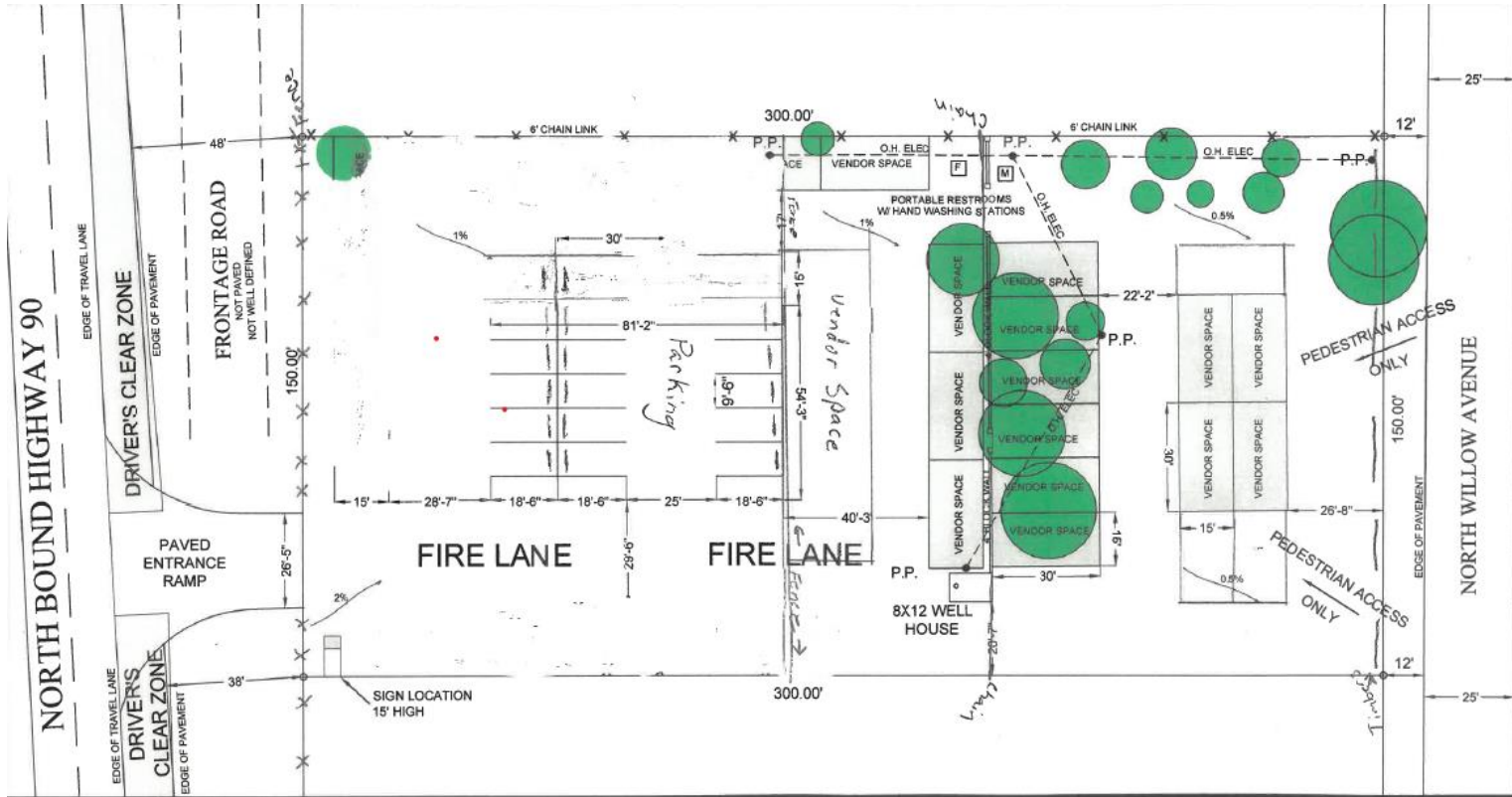
Initially, ADOT had concern regarding onsite parking. Section 1804.05 requires 1 parking stall for each 1,000 square feet of gross sales area. The revised site plan provides for approximately 12,000 square feet of retail area, requiring 12 parking spaces. The site plan shows 18 marked spaces. There is adequate room for additional onsite overflow parking if needed along the western and northern property lines.

The application states that no waivers are requested, however the parking is proposed to be AB. Section 1804.07.C requires all parking and driveways to be



chip sealed. The entrance to SR90 is paved and controlled by ADOT. The paved apron should prevent gravel from entering the highway. The “frontage road” and surrounding business have dirt and or gravel lots. Staff would support the using of AB material and a layer of gravel on top of that. The AB layer will help to keep the gravel from mixing into the soil once it gets wet and compacted.

In conjunction with the non-residential permit submittal the applicant shall provide a detailed and fully dimensioned site plan. This plan will show all setbacks, panel locations, restrooms, portable, septic, travel ways, parking location, fencing, including materials and height, etc.



**Setbacks:**

Setbacks to the north and south shall be at least five (5) feet. The setbacks on the east and west shall be at least 20 feet. This shall be demonstrated on the revised site plan.

**Lot Coverage:**

The General Business Land Use district restricts lot coverage to a maximum of 85%. All structures are proposed to be temporary and less than 50% will be covered.

**Height:**

At this time no permanent structures are proposed.

**Lighting:**

All lighting existing and proposed lighting shall be fully shielded and comply with the Outdoor Lighting Regulations.

**Landscaping:** The project is located within growth category B, which requires a minimum of five percent of the site to be landscaped and a five-foot strip located along SR 90 and Willow. The landscaping shall be drought tolerant. This will be shown on the revised site plan.

**Condition:**

1. The site plan shall include a minimum 5-foot landscape strip along SR 90 and Willow Road.

2. The parking and driveway areas shall all be treated with AB and gravel.

**Waiver:**

1. As conditioned above, staff recommends waiving the requirement for chip seal pavement of the parking and driveways.

**7. Public Input: Complies**

The applicant mailed letters to property owners within 300 feet of the property prior to application submittal.

The Planning Department mailed letters to the same property owners within 300 feet of the subject property, published a legal ad in the *Sierra Vista Herald*, and posted legal notices on the property. To date, staff has received one (1) letters in support and no letters in opposition. The letter was from the adjacent southern parcel owner. The letter indicated support, but concern about trash and for the applicant to make sure they are not trespassing on their property.



**8. Hazardous Materials: Not applicable**

There are no proposed hazardous materials.

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

Impacts from the proposed project could include increase in traffic, noise, and trash. The swap meet will only take place Friday through Sunday limiting impacts during the weekdays. The customers will enter and exit the site via the state highway. Trash receptacles will be placed around the site and the waste will be removed from the site daily.



**10. Water Conservation: Complies**

There is no proposed water use onsite, though there is an existing well if needed. Portable restrooms will be provided onsite. Landscaping shall be drought tolerant.

**VI. PUBLIC COMMENT**

The applicant mailed letters to property owners within 300 feet of the property prior to application submittal.

The Planning Department mailed letters to the same property owners within 300 feet of the subject property, published a legal ad in the *Sierra Vista Herald*, and

posted legal notices on the property. To date, staff has received one (1) letters in support and no letters in opposition.

## **VII. WAIVERS**

1. Staff recommends waiving the requirement for chip seal pavement of the parking and driveways.

## **VII. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to operate a swap meet on a 1.3 acre parcel.

### **Factors in Favor of Approving the Special Use**

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.

### **Factors Against Allowing the Special Use**

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

## **VIII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends **Approval** of the Rezoning and Special Use request.

Should the Commission approve the Applications, staff recommends the following Conditions:

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 apply to the proposed use pursuant to other federal, state, or local laws or regulations;
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional modification and approval by the Planning and Zoning Commission;
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.
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.*