



Cochise County

Development Services

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Christine Mclachlan, AICP, Planner II
FOR: Daniel Coxworth, AICP, Development Director
SUBJECT: Docket SU-21-09 (Welty Trucking)
DATE: April 6, 2021 for the April 14, 2021 Meeting

APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant, Mr. Doug Welty, requests a Special Use Authorization to approve the construction of accessory facilities/structures to support a small trucking business on a 4.05-acre parcel. The subject parcel is located at 1882 E Zachary Way on parcel 108-08-001L

The proposal includes overnight parking space for up to five semi-trucks, up to five employee passenger vehicles, and a dedicated access road from the front to the rear of the property. The construction of proposed uses is subject to site development standards contained in the Cochise County Zoning Regulations and requires Special Use Authorization from the Planning and Zoning Commission in a rural zoning district.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 4.05 acres
Current Zoning: RU-4 (Rural; one dwelling per 4 acres)
Proposed Zoning: Same
Growth Area: Category D
Comprehensive Plan Designation: Rural
Area Plan: None
Existing Uses: Residential with small truck business
Proposed Uses: Residential with small truck business

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Special use airport and UAS test facility
South	RU-4	E Zachary Rd ROW and vacant land
East	RU-4	Vacant land
West	RU-4	residential

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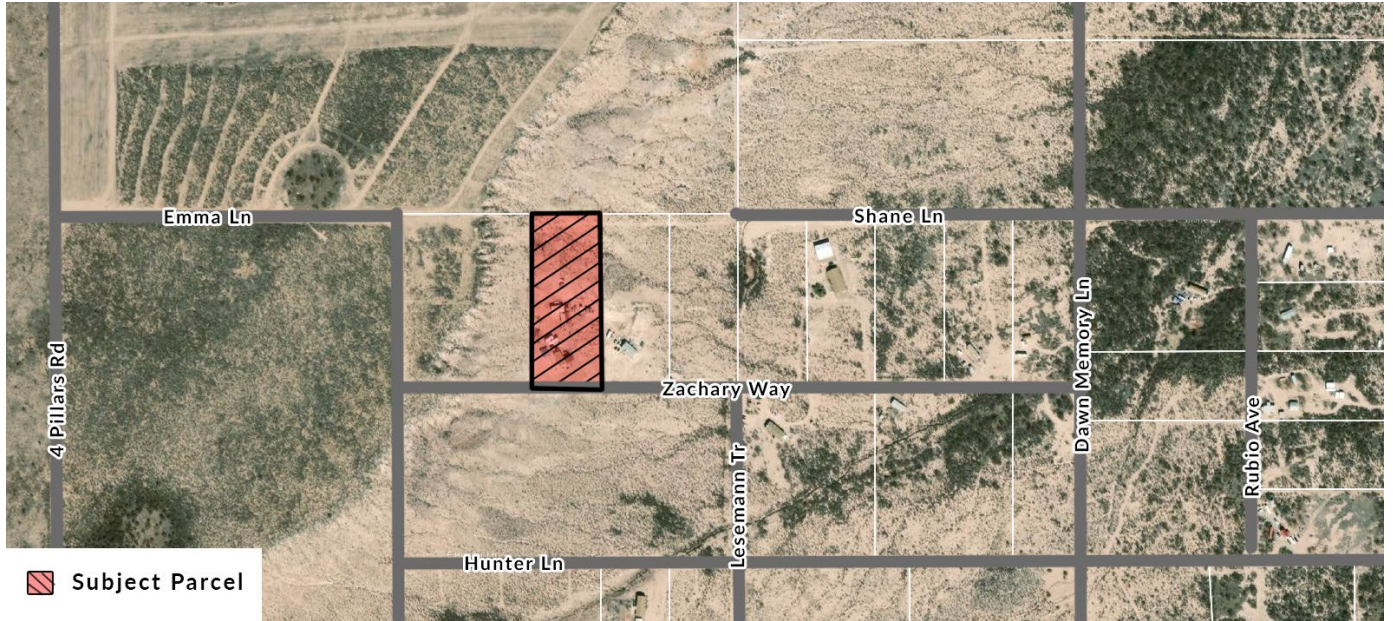


Figure 1: Parcel Location Map

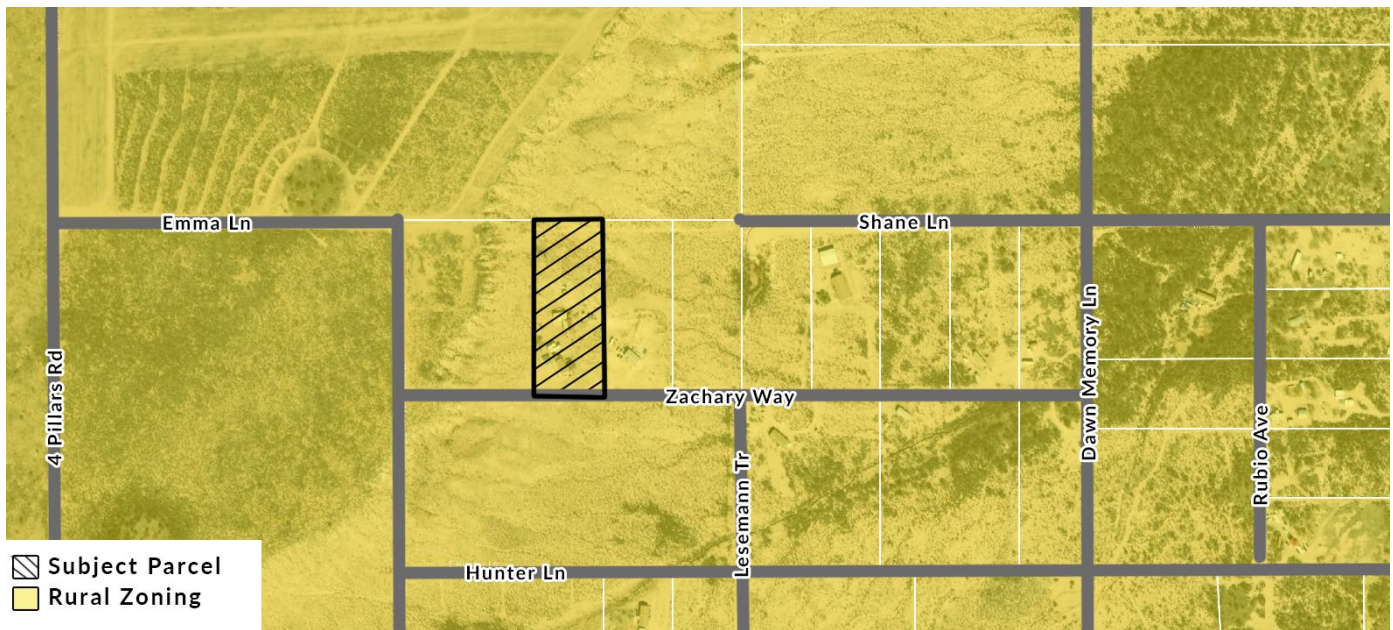


Figure 2: Zoning Map

II. PARCEL HISTORY

2015 Rural Residential Owner-Builder Permit

III. NATURE OF REQUEST

The Applicant, Mr. Doug Welty, requests a Special Use Authorization to approve the operation of a small trucking business on a 4.05-acre parcel.

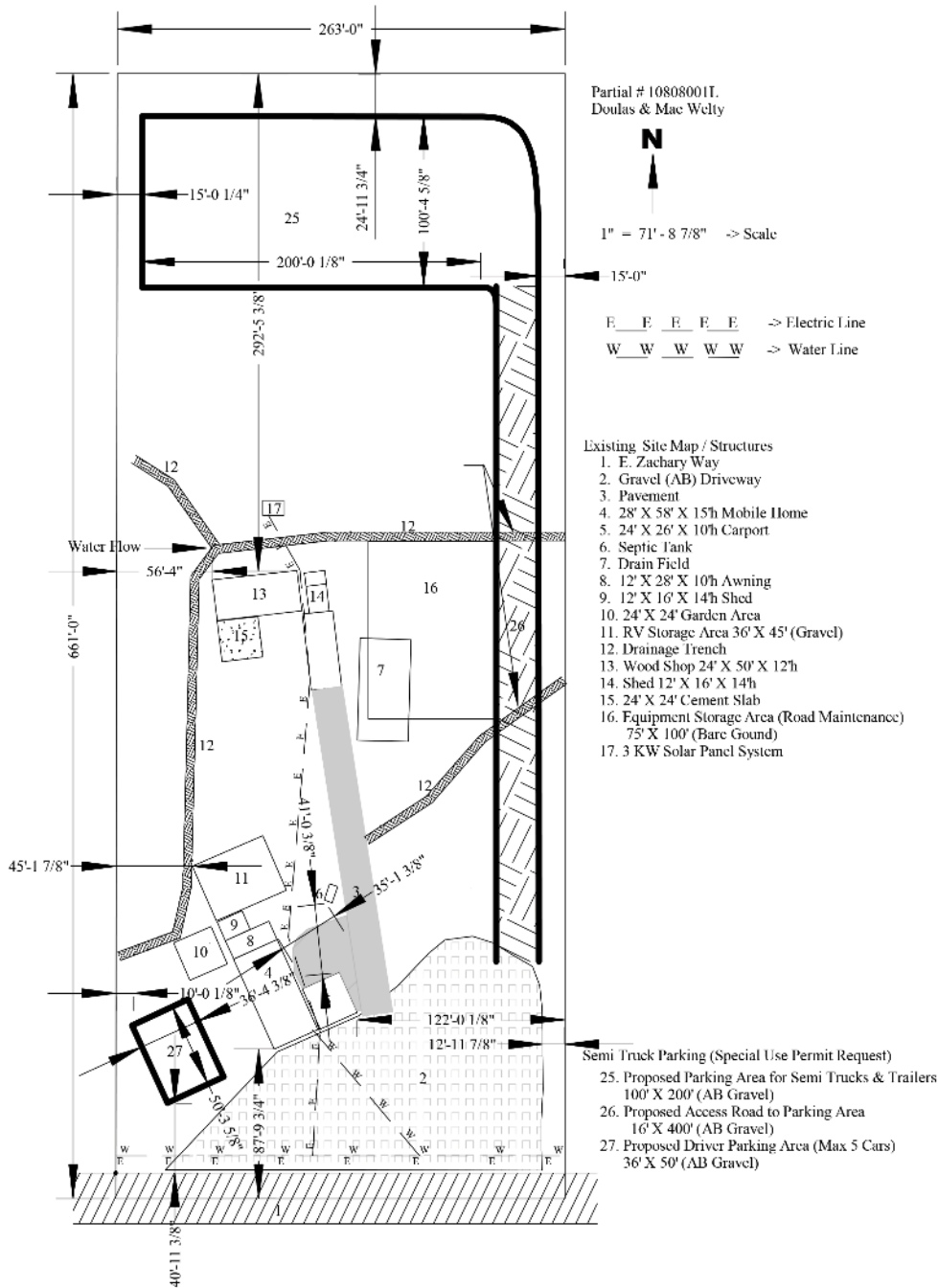
The following elements currently exist on site:

- Manufactured home

- Carport
- 2 Sheds
- RV storage area
- Wood shop
- Equipment storage system

The following elements are proposed on site (all numbers are in square feet and are approximate):

- Parking area for semi-trucks (100'x200') gravel
- Access road to truck parking (16'x400') gravel
- Car parking area (36'x50') gravel



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, ten (10) factors apply to this request. The Project, as submitted, fully complies with six (6) of the factors, it complies with conditions two (2) factors, and two (2) factors do not apply.

1. Compliance with Duly Adopted Plans: Complies

The Comprehensive Plan describes Category D- Rural Areas as follows:

This category includes the outlying rural areas between cities and unincorporated communities and characterized by a low rate of growth; unimproved roads; low density, large lot rural residential development; agricultural production; and large tracts of undeveloped private and public lands. Non-residential development is geared toward providing local services, tourism or intensive uses that are not appropriate in more the densely populated parts of the county, such as power plants and feedlots.

The proposed small business/trucking use is also consistent with the following Comprehensive Plan Elements:

- The Economic Development Element that states that "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 "and the policy to continue to communicate with the business community, and be responsive to the changing needs of established and new businesses."
- The Rural Character Element states: "Provide for a continuation of traditional rural ways of life, such as farming, ranching, and other agricultural-related activities, and provide for diverse and viable economic and development opportunities that are consistent with the character of Cochise County's rural areas." Notably, while the proposed use is not agriculture, it does provide an economic opportunity in a rural area.
- The subject property is not within a Special Area Plan.

2. Compliance with the Zoning District Purpose Statement: Complies

As stated in Section 601 (Purpose) of the zoning regulations:

RU (Rural) Zoning Districts are established to achieve the following purposes:

601.01 To preserve the character of areas designated as "Rural" in the Cochise County Comprehensive Plan;

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;

601.04 To provide space for people, minimize traffic congestion, and preserve the existing rural environment of unincorporated areas of the County situated outside of existing communities;

601.05 To provide recreational support services that are compatible with rural living;

601.06 To protect the quality of the natural environment as it relates to safeguarding the health, safety and welfare of the people in Cochise County; and

601.07 To allow consideration of some more intense non-residential uses as Special Uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural environment and harmonious and in

scale with existing development near the proposed site and in conformance with Section 601.06.



Photos of the Site

The surrounding area is zoned rural and is sparsely populated by residential development. From Zachary Way, the property remains residential in appearance because the primary structure, a house/office, is placed closest to the road. The parcel across the street is undeveloped.

3. Development Along Major Streets: Not Applicable

The intent of this factor is to consider limitation on the number of access points on major thoroughfares or arterial streets, and County collectors through the use of frontage roads, shared access, no access easements or other safe methods designed to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials. Zachary Way is a private, non-County-maintained road. No new additional access points onto major thoroughfares are proposed; consequently, this factor does not apply.

4. Traffic Circulation Factors: Complies

Specifically, this factor stipulates that the Special Use Authorization request should not result in the use of any residential street for non-residential through traffic. As a trucking business, the use relies on the presence of good roadways and highway access. The subject parcel is located within a rural residential neighborhood. All property in the area is served by a system of private, dirt roads. The nearest highway is Highway 82, which is approximately 2 miles southwest of the subject property (4 Pillars Road, Emma Lane, Coyote Moon Trail, E Zachary Way -western green route, Figure 4). Alternatively, there is a 3.6-mile route to the east of the subject property (eastern red route, Figure 4). The route shown in green is most direct, and largely avoids going through the residential area. In addition, the green route is in significantly better condition than the red route. The presence of a good, direct route to and from the subject property is not a coincidence. The applicant himself upgraded, and continues to maintain, the entire 2-mile western route to his property. Mr. Welty has done this at his own expense. No portion of the roadway has been gated off. Consequently, all the residents in the immediate area have a continuous, secondary route to access their properties. Given that the proposed use is a trucking business that relies on direct road access capable of supporting large trucks, it is in the interest of the applicant to continue to maintain the western green route (Figure 4).

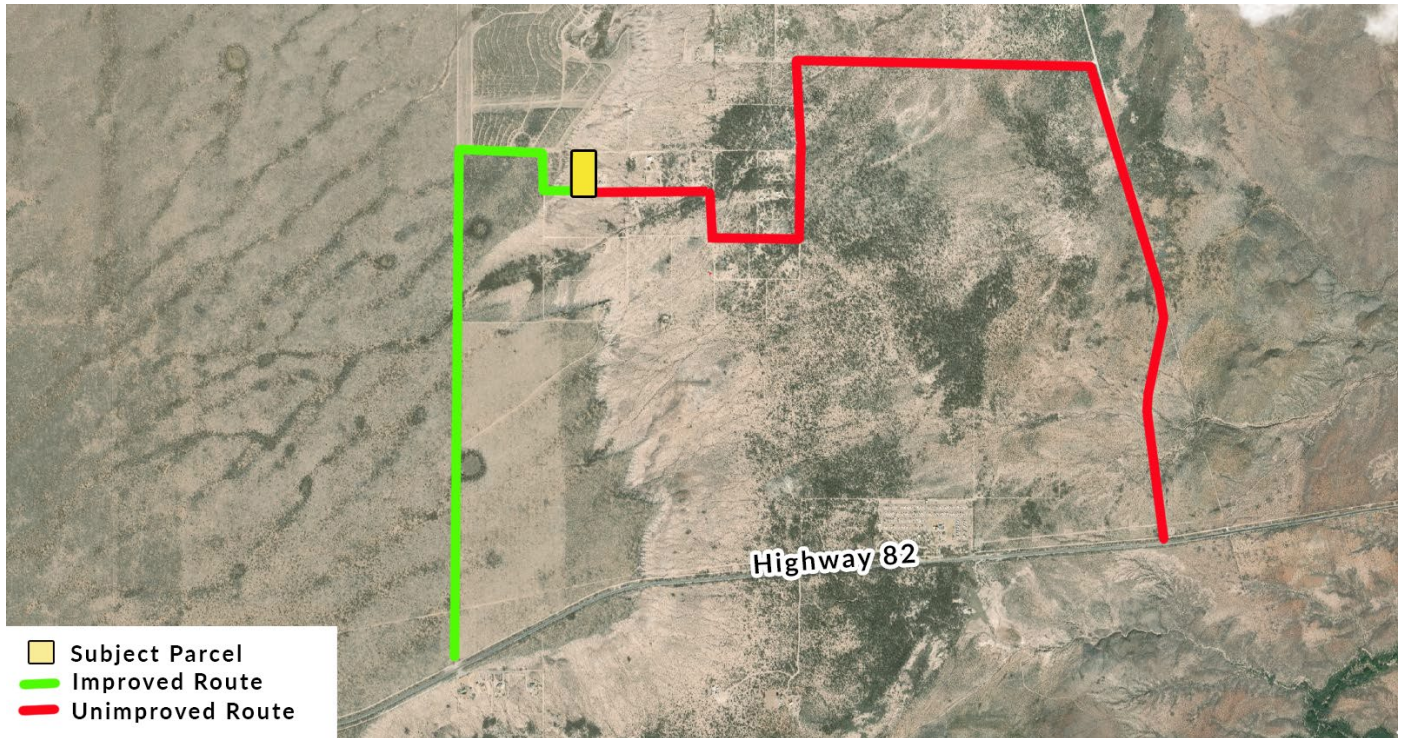


Figure 4: Access Routes

5. Adequate Services and Infrastructure: Complies

Electrical service is provided to the site by Sulphur Springs Valley Electric Cooperative; a private shared well supplies water (applicant is well manager), and sewage is disposed of by a septic system. Fire protection is provided by the Whetstone Fire Department. The applicant estimates the following roadway impacts:

- Vehicles entering/leaving the site (per day): <1
- Total trucks (e.g., by type, number of wheels, or weight)? 5 max, 18 wheel, 80k
- Estimate which direction(s) and on which road(s) the traffic will travel from the site: 4 Pillars Road, Emma Lane, Coyote Moon Trail, E Zachary Way (green route, Figure 4)
- At what time of day, day of week and season (if applicable) is traffic the heaviest? Never heavy, intermittent, 1 to 3 trips per week

In addition, the applicant proposes adding a graveled parking lot

6. Significant Site Development Standards: Complies with Conditions

Development Standard	RU-4	Proposed
Setbacks from property line	20' (min)	Parking areas and access road to parking are within 15' from North, western and eastern PL. No buildings or vertical elements are shown within the setback
Maximum Height	30' (max)	All existing and proposed structures <30'
Maximum site coverage	25%	<25%
Screening	Not Req.	None proposed

The site plan proposed largely complies with all site development standards. As shown on the concept plan, the applicant does not propose any vertical structures within the setbacks; however, the proposed access road to parking, as well as the front (passenger car) rear (large truck) parking are shown within 15' from the northwestern, western, eastern property lines. The case planner recommends as a condition of approval, shifting the referenced site elements an additional 5' from the property line to accommodate the full 20' setback on all sides.

7. Public Input: Complies

The Applicant mailed letters to property owners within 1,500 feet of the property before application submittal.

The case planner mailed letters to the same property owners within 1,500 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 3 responses in support and 0 responses in opposition. See Section V. Public Comment for additional discussion.

8. Hazardous Materials: Not Applicable

The Applicant states that the use of hazardous and dangerous materials is not anticipated on site.

9. Offsite Impacts: Complies with Conditions

The proposed use will have outdoor activity associated with it, but it will largely be passive use that can be mitigated by careful site placement. The following is an analysis of potential off-site impacts:

- Odor –there will be no offsite odors generated by the proposed use.
- Light– This is a 24/7 operation. Given the projected low volume of trucks entering/leaving the site per day (one truck or less per day is anticipated), the staff planner does not feel additional measures, such as limiting operating times is necessary with this application.
- Noise – the proposed use will generate the noise of a large truck; however, the trucks will be stored to the rear of the property, furthest from nearby houses.
- Traffic – (see 5. Adequate Services and Infrastructure)
- Dust – The Applicant states that there will be minimal dust produced by large truck maneuvering, which will be mitigated by the addition of AB gravel and slow speed of trucks in the area.
- Visual Impacts/Compatibility –this is a rural, residential area. Rural zoning allows a greater variety of uses than a more traditional single-family zoning district. By keeping most of the non-residential activity to the rear of the site, the visual impacts of the presence of large trucks is mitigated.
- Stormwater – this parcel lies within outside of the floodplain. The applicant proposes installing two culverts under the proposed access road to maintain/preserve the current drainage pattern.

10. Water Conservation: Complies

The project site is not located within the Sierra Vista Sub-Watershed. The project site is served by a share well. The applicant estimates that 200 gallons of water are used per day/73,000 gallons of water are used per week. The proposed site element additions should not increase the amount of water usage.

V. PUBLIC COMMENT

The Applicant mailed letters to property owners within 1,500 feet of the property prior to their application submittal.

The case planner mailed letters to the same property owners within 1,500 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 3 responses in support and no responses in opposition.

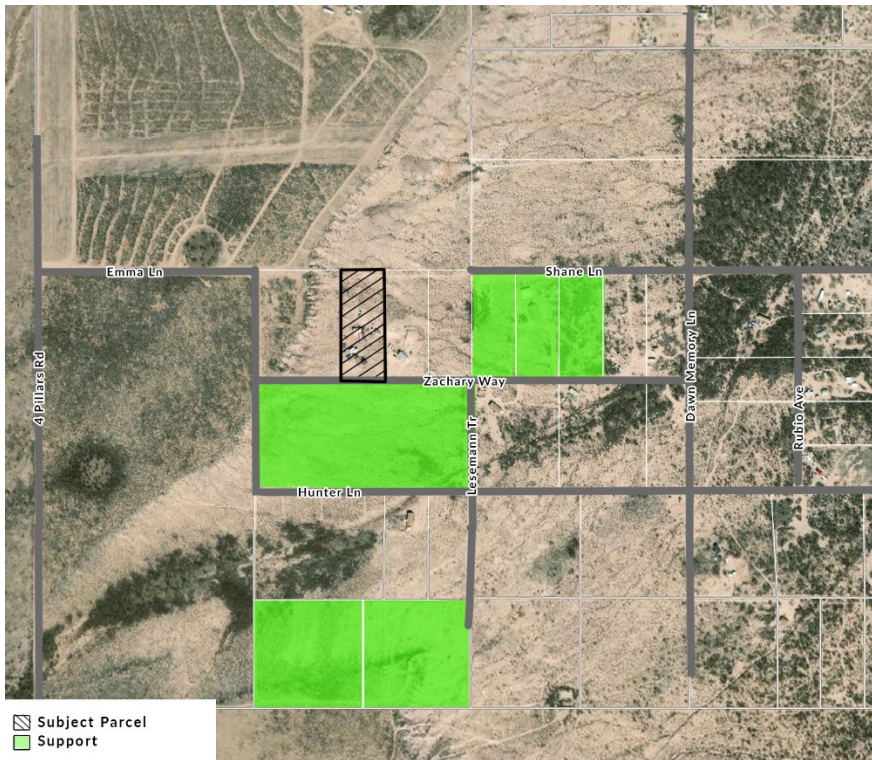


Figure 9: Public Input Map

VI. WAIVERS

None requested.

VII. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to approve the construction of accessory facilities/structures to support a small trucking business on a 4.05-acre parcel

Factors in Favor of Approving the Special Use

1. The project is consistent with goals and policies of the Comprehensive Plan and the purpose of the Zoning District;
2. The project complies with 6 of the criteria used to evaluate special use requests. It complies, with conditions, with an additional 2 criteria.
3. The applicant has improved site access on private roads, without financial assistance from the County or others, to his business and the greater neighborhood.
4. The project would allow for the continuation of a small business that provides employment.

Factors Against Approving the Special Use

1. Visual impacts – large trucks can visually detract from their surroundings; and
2. Other off-site impacts, including the potential for dust, light, noise. Also, use of roads non-residential vehicles is encouraged by this request.

VIII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends **Conditional Approval** of the Special Use request. If the Commission chooses to approve the request, staff recommends the approval be subject to 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 18-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 24-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 Division and may require additional modification and approval by the Planning and Zoning Commission;
4. The applicant shall provide no less than a 20-foot setback from all property lines.
5. No more than five large trucks shall be stored on-site. All large trucks shall be stored to the rear of the site, where indicated on the site plan, when stored overnight.

Sample Motions:

Mr. Chairman, I move to approve Docket SU-21-09, with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.