



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 SU21-16(Doe Ranch Vineyard)
DATE: June 30, 2021, for the July 14, 2021 Meeting

APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant, Rainer Fischer, requests a Special Use Authorization to establish a phased small production winery, brewery, tasting room, restaurant/bar, guest lodging, and an educational vineyard. An approximately 9,000 square foot steel structure is proposed to be constructed. The building will be broken down as follows (all approximate): 4,200 square feet storage and delivery, 4,000 square foot restaurant/bar, 720 square foot bistro/tasting room. A 1,400 square foot building for a lobby and guest services, six (6) 600 square foot bungalows each with 2 rooms and a 4,200 square foot dog park.

The project is located on the southwest corner of Stout Vista Lane and Bennett Place Willcox, Arizona, and includes parcel number 305-32-065B.

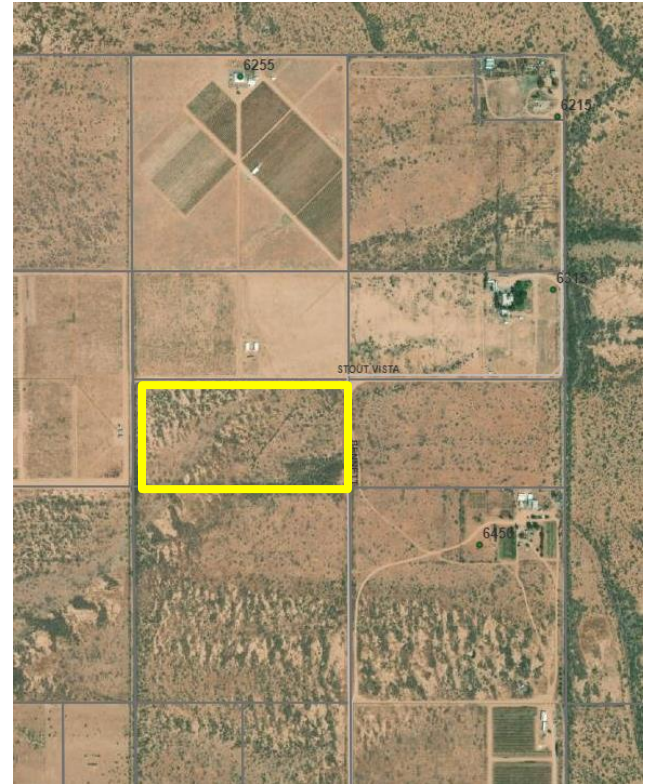


Figure 1: Area Aerial Photo

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size:	20.09 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:	Vacant
Proposed Uses:	Small production winery, brewery, tasting room, restaurant/bar, guest lodging, and an educational vineyard.

Planning, Zoning and Building Safety

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Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Vineyard and guest lodging
South	RU-4	Vacant land
East	RU-4	Vacant/ Agricultural land
West	RU-4	Vineyard

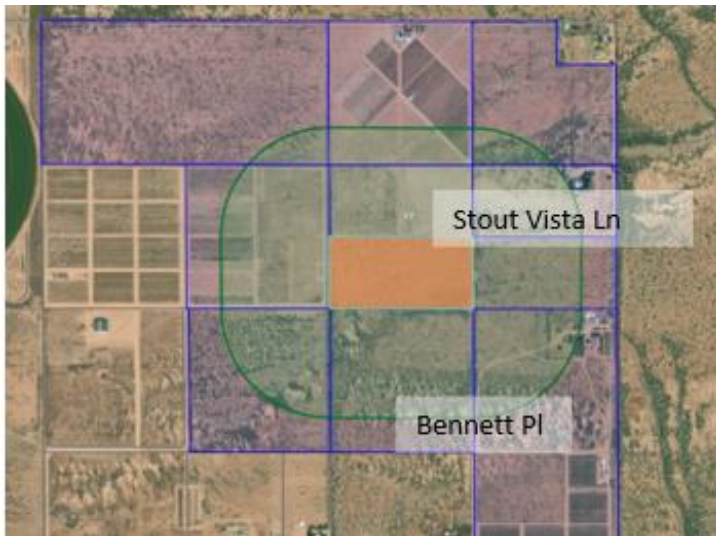


Figure 2: Notification Area

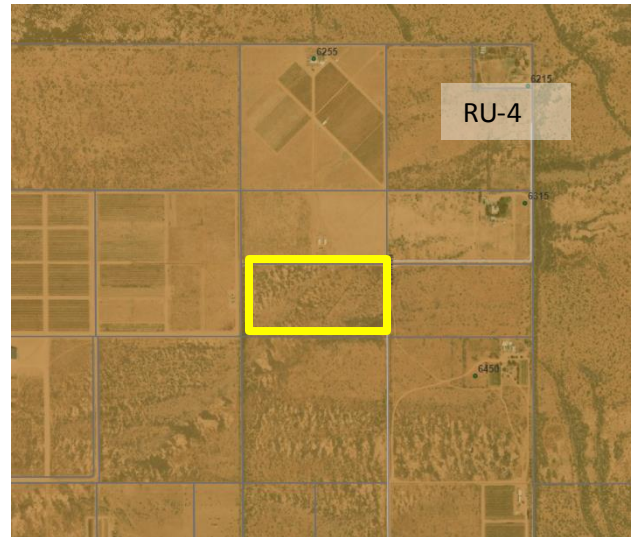


Figure 2: Zoning Map

II. PARCEL HISTORY

None.

III. NATURE OF REQUEST

Applicant Rainer Fischer requests a Special Use Authorization to establish a phased small production winery, brewery, tasting room, restaurant/bar, guest lodging, and an educational vineyard. An approximately 9,000 square foot steel structure is proposed to be constructed. The building will be broken down as follows(all approximate): 4,200 square feet storage and delivery, 4,000 square foot restaurant/bar, 720 square foot bistro/tasting room. A 1,400 square foot building for a lobby and guest services, six (6) 600 square foot bungalows each with 2 rooms and a 4,200 square foot dog park.



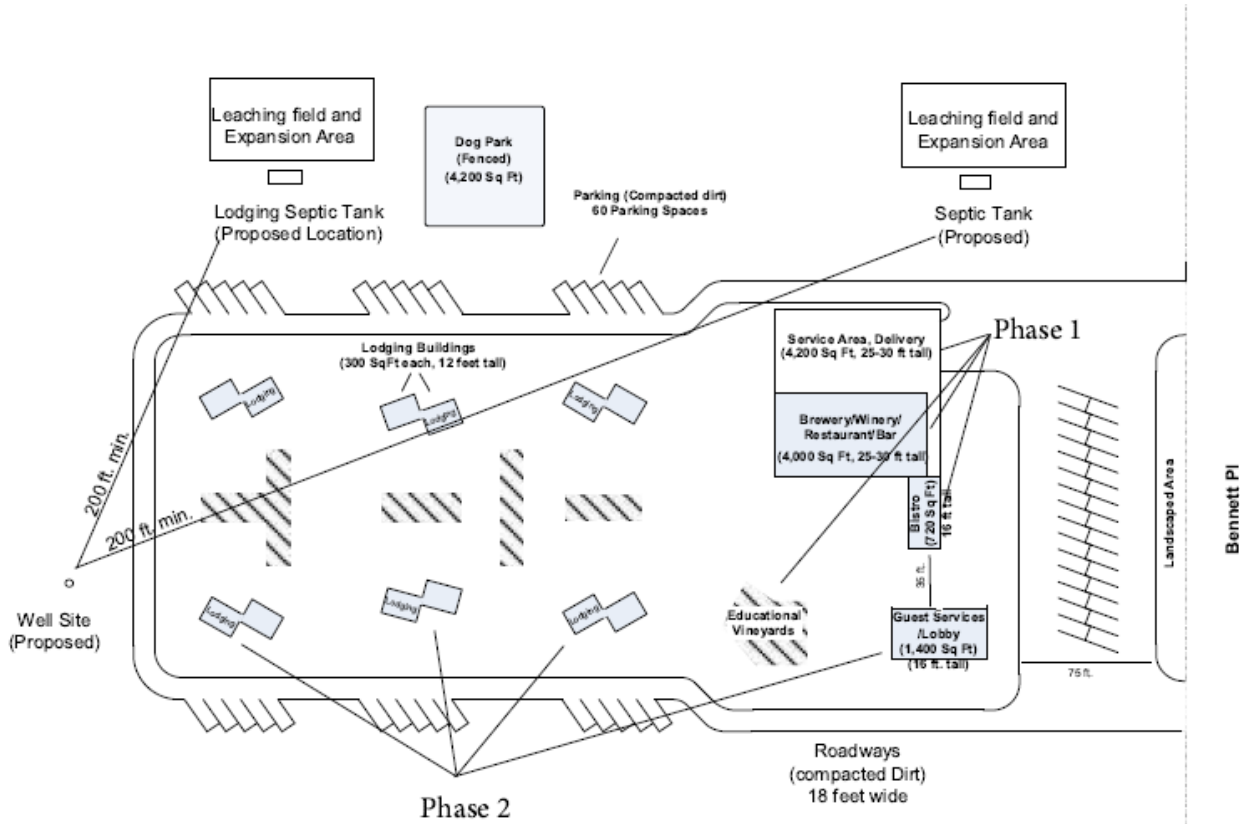


Figure 4: Site Plan

IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors 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, and 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 seven (7) of the factors, and it complies with conditions the remaining three (3) factors.



1. Compliance with Duly Adopted Plans: Complies

The Comprehensive Plan describes the Rural Designation as follows:

[Areas identified as Rural] are identified by one or more of the following characteristics: sparsely populated; larger lot sizes, agricultural production or grazing, availability of sites large enough for intensive industrial uses that cannot be accommodated in other growth areas, large expanses of private and public lands, and/or have developed and undeveloped recreational resources.

The subject parcel is within a larger area that could be categorized in the manner described above.

The proposed agricultural use is also consistent with the following Comprehensive Plan Elements:

- The Agriculture and Ranching Element goal seeks to "Protect and promote the agricultural economy of Cochise County, its agricultural and ranching lands, and related land uses."; and the policy to "Continue encouraging the development of agricultural processing, both on-site and at industrial scale, to support the production of value-added agriculture products in Cochise County."
- 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."



The Economic Development Element is also served by the creation of a new local business, which has the potential to create new jobs

The area is not included 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.

The proposed project preserves the area's rural character while providing a service to local residents and tourists. The development will not impact the quality of life for any surrounding residents or the existing farms and businesses.



3. Development Along Major Streets: Complies with condition

Bennett Place is a private, non-County maintained road. Therefore, the Applicant will need to verify that there are legal easements to the property. Additionally, as is standard practice on private roads, the Applicant is required to sign a Private Maintenance Agreement (PMA) for the road.

No right-of-way dedication is required.

Condition:

1. In conjunction with the Commercial Permit application, the Applicant will be required to submit a Private Maintenance Agreement (PMA), per Zoning Code 1807.02A, for that roadway segment from their driveway to Robbs Rd.

4. Traffic Circulation Factors: Complies with conditions

The proposed use would increase traffic in the local area, primarily on the weekends when tourists visit the area's vineyards. The ITE trip generation for quality restaurants lists traffic ranging from 133 to 560 trips. The Applicant estimated between 60-100 vehicles and up to two trucks per day will enter/exit the site. Initially, there will be five to seven employees and in the future, seven to 15. Some trips will be reduced by those guests with the on-site guest lodging and the existing guest lodging facility associated with the vineyard to the north. In addition, there is an existing paved apron at Robbs Road and Bennett Place. Engineering Staff has not noted any concerns with the increase in traffic provided the Applicant verifies legal access and enters into a PMA.





5. Adequate Services and Infrastructure: Complies

Robbs Road is paved, County maintained public road, and provides adequate access to Bennet Place. Bennet Place is a non-county-maintained dirt road. The Applicant will be required to participate in the maintenance of the road with surrounding property owners.

Electrical service is provided to the site by Sulphur Springs Valley Electric Cooperative; private wells supply water, and sewage is disposed of by a septic system.

6. Significant Site Development Standards: Complies

Setbacks: Complies

The Zoning Regulations establish a minimum setback

of 20 feet. The site is large enough to accommodate this.

Lot Coverage: Complies

The Rural Land Use district restricts overall site coverage to a maximum of 25%. Site coverage is defined as "the total percentage of the site covered with structures, buildings, paving, and impervious surfaces other than landscaping, gravel, walls, and fences." The Applicant is only proposing to disturb up to three acres at this time which would only be 15%.

Height: Complies

The maximum height for structures within RU-4 zoning are as follows:

- Principal structure: 30' above grade
- Accessory structure: 30' above grade
- Wall or fence: 8' above grade

The application indicates that no waivers to the zoning regulations are requested.

Lighting: Complies

All lighting will be required to comply with the Outdoor Lighting Regulations.

7. Public Input: Complies

The Applicant mailed letters to property owners within 1,000 feet of the property prior to application submittal. The Planning Department mailed letters to the same property owners within 1,000 feet of the subject property, published a legal ad in the *Sierra Vista Herald*, and posted a legal notice on the property. To date, staff has received no responses. When staff was posting the property, the owner directly to the north expressed support for the proposed project.



8. Hazardous Materials: Complies with Conditions

The Applicant states on their application that no hazardous materials will be used or will be present at this facility. However, staff would anticipate the storage of fertilizers, weed killers, etc. If any of these are to be used, the Applicant shall complete the hazardous materials form and submit it in conjunction with the commercial permits.

Condition:

1. **The Applicant submits a hazardous materials questionnaire in conjunction with permitting. All chemicals, fertilizers, or any hazardous product shall be used, stored, and disposed of in a manner consistent with the manufacturer's instructions and/or any law that governs the same.**

9. Offsite Impacts: Complies

- Odor – There are no anticipated impacts.
- Glare/Glow – There will be an increase in lighting. However, all lights shall comply with the Outdoor lighting regulations
- Noise – There will be an increase in noise due to the introduction of a non-residential use into the area however the site is located on 20 acres, and surrounding parcels are all large, and that should mitigate the noise.
- Traffic – (as included in the application)
The Applicant estimated between 60-100 vehicles and up to two trucks per day will enter/exit the site. Initially, there will be five to seven employees and in the future, seven to 15. The traffic generated by this use is an increase over the current use, but it is the opinion of staff that Ft Grant Road, which is classified as a major road, can adequately accommodate the additional anticipated traffic volume.
- Dust – The Applicant states that there will be no fugitive dust. Staff is recommending a condition that any bare ground be either seeded or otherwise treated to prevent fugitive dust. This includes both the grow areas when not planted, parking and driveways.
- Visual Impacts/Compatibility – The proposed use will have a similar impact on the area as the wine tasting rooms, vineyards, and existing guest lodging.

Condition:

1. **Any bare ground shall either be seeded or otherwise treated to prevent fugitive dust.**

10. Water Conservation: Complies

The project site is not located within the Sierra Vista Sub-Watershed. The project site will be served by private well. The Applicant anticipates annual water use of approximately 2.2 million gallons.

V. PUBLIC COMMENT

The Applicant mailed letters to property owners within 1,000 feet of the property prior to their application submittal.

The case planner mailed letters to the same property owners within 1,000 feet of the subject property, published a legal ad in the *Sierra Vista Herald*, and posted a legal notice on the property. To date, staff has no responses. While posting the property, the owner of the vineyard/guest lodging to the north voiced support of the project.

VI. WAIVERS

The site plan is proposing compacted dirt for the parking areas. Section 1804.07.D requires a minimum 2" thick gravel surface for parking, loading, and driveways. Due to existing dust issues in the area and to mitigate impacts to neighbors' staff does not recommend approval of this waiver.

VII. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to approve a phased small production winery, brewery, tasting room, restaurant/bar, guest lodging, and an educational vineyard. An approximately 9,000 square foot steel structure is proposed to be constructed. The building will be broken down as follows (all approximate): 4,200 square feet storage and delivery, 4,000 square foot restaurant/bar, 720 square foot bistro/tasting room. A 1,400 square foot building for a lobby and guest services, six (6) 600 square foot bungalows each with 2 rooms and a 4,200 square foot dog park.

Factors in Favor of Approving the Special Use

1. The project is consistent with the applicable policies of the Comprehensive Plan and the Purpose of the Rural Zoning Districts;
2. The project complies with seven of the criteria used to evaluate special use requests. It complies, with conditions and a waiver with three additional criteria and partially complies with one criterion;
3. The site plan submitted complies with most applicable site development standards and conditions contained in section 1826 of the Zoning Regulations;
4. The project will provide a service to the area; and
5. The project would generate employment.

Factors Against Approving the Special Use

The project would increase the traffic along Bennet Place.

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 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 and with Section 1705 of the Zoning Regulations, the completed 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 will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission;
4. Any lighting shall fully comply with the County's Outdoor Light Regulations.
5. The Applicant submits a hazardous materials questionnaire in conjunction with permitting. All chemicals, fertilizers, or any hazardous product shall be used, stored, and disposed of in a manner consistent with the manufacturer's instructions and/or any law that governs the same.
6. In conjunction with the commercial permit submittal, a fully dimensioned site plan shall be provided.

7. In conjunction with the Commercial Permit application, the Applicant will be required to submit a Private Maintenance Agreement(PMA), per Zoning Code 1807.02A, for that segment of roadway from their driveway to Robbs Rd.

Sample Motions:

Mr. Chairman, I move to approve Docket SU21-16, on parcels 305-32-065B with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.