

COCHISE COUNTY

SU21-31 (Old Fort Bowie)

Special Use Modification for Diamond Mountain
Planning & Zoning Commission
February 9, 2022



Public Programs...Personal Service

COCHISE COUNTY

Docket SU21-31 (Old Fort Bowie)

Special Use Modification for Welcome/visitor/cafe/gift shop, offices, housing, maintenance buildings, and other structures unrelated to religious activities.

Parcel Size:	1,076 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:	Existing temple and guest lodging
Proposed Uses:	Same, with a new visitor center, café, parking, pilgrimage path, etc.

Federal Law, the Religious Land Use and Institutional Persons Act (RLUIPA), protects religious institutions from burdensome or discriminatory land-use regulations.

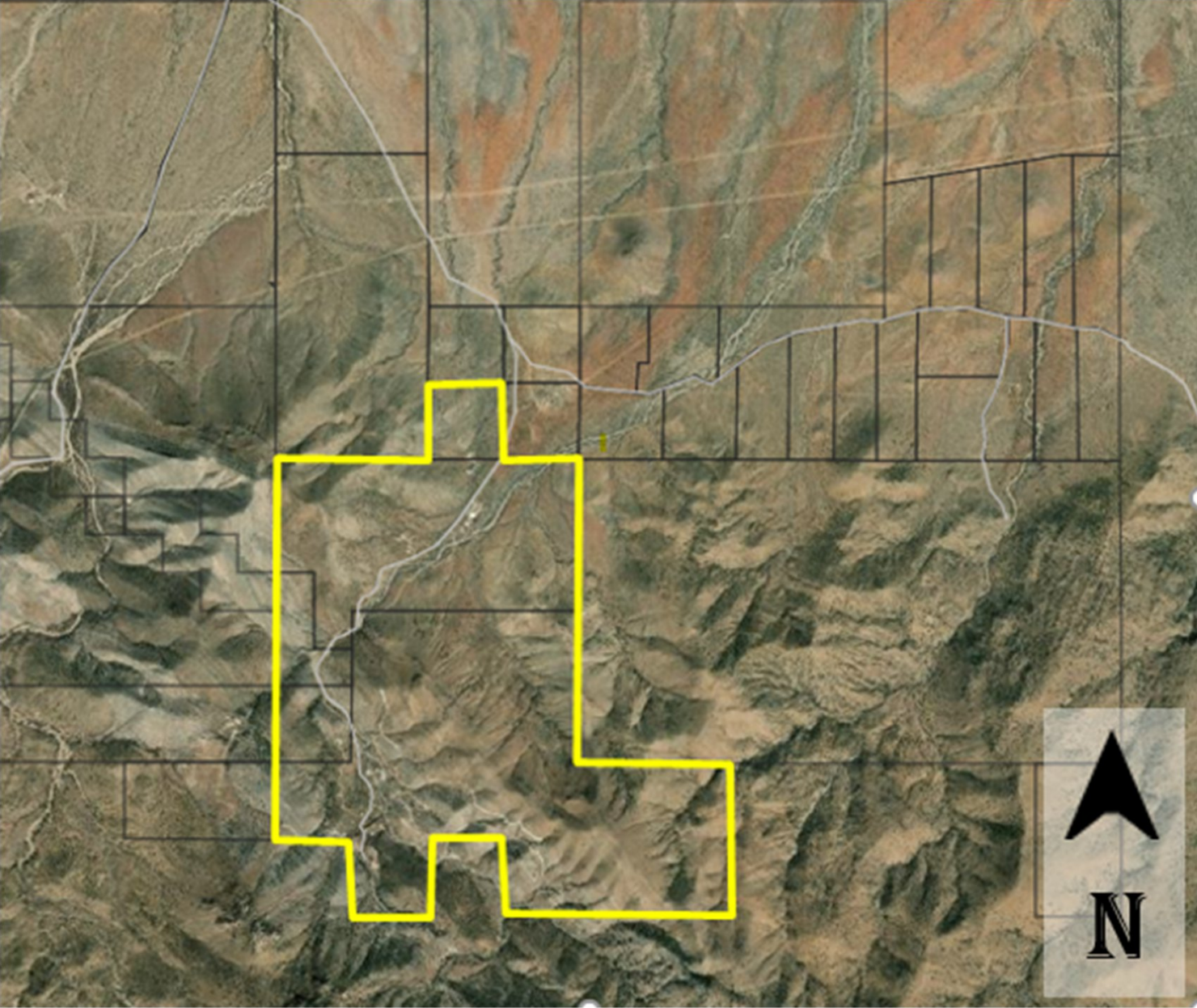


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Location



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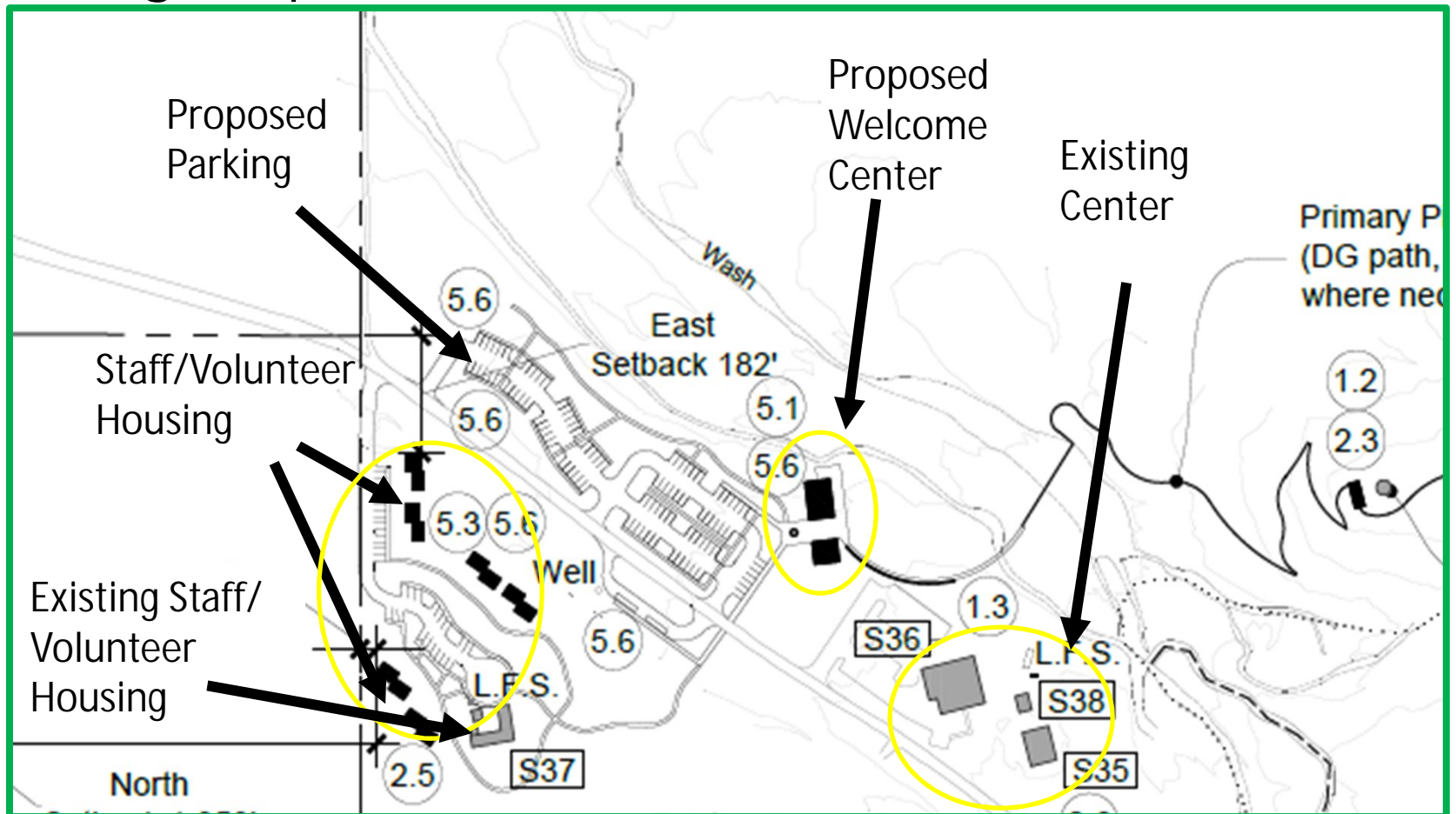
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Existing
Center



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Welcome Center,
Volunteer Housing,
Parking Proposed:

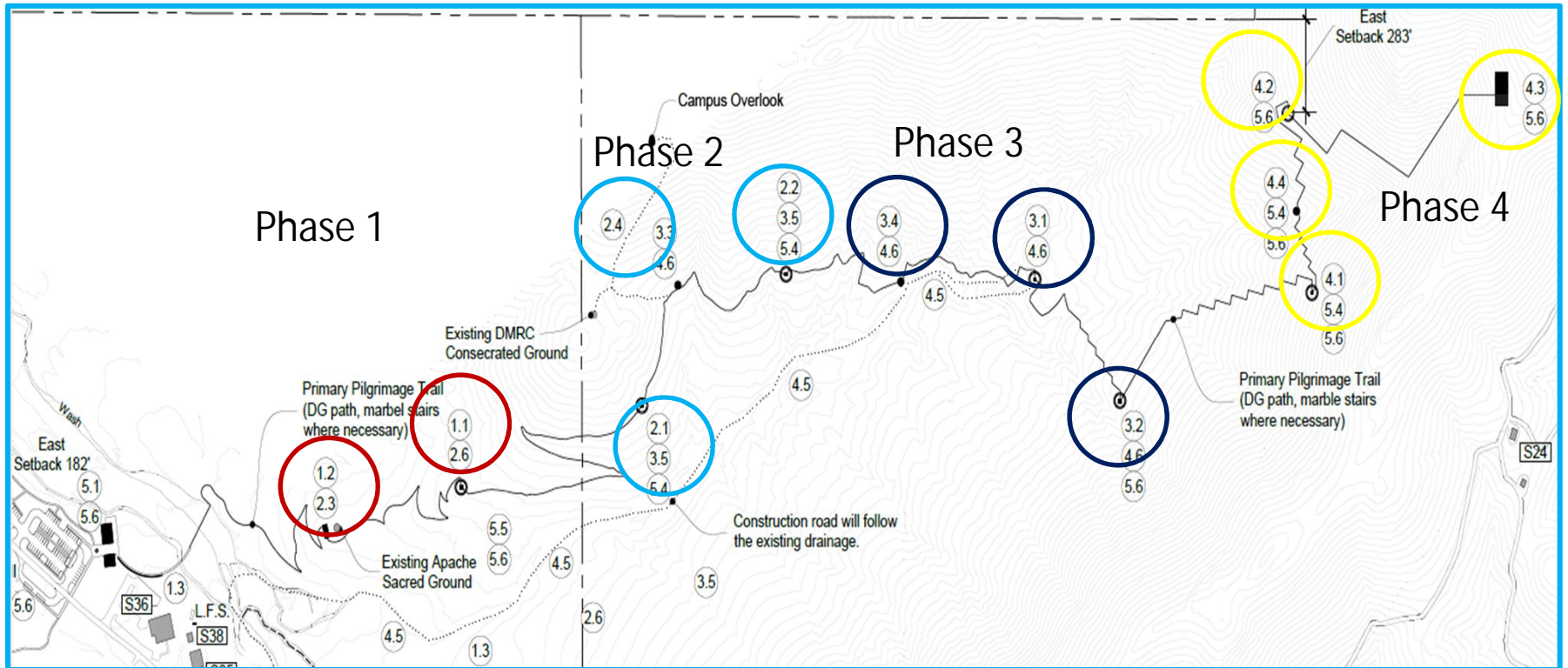


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Welcome Center,
Volunteer Housing,
Parking Proposed:

Staff/Volunteer
Housing



Factors for or Against a Proposed Special Use Authorization

- Zoning Regulations have 10 factors used to evaluate a proposal
 - Ten (10) of the criteria apply to this request
 - As submitted complies with five (5) criteria
 - Four (4) criteria comply with condition
 - One partially complies (Zoning District Purpose Statement)



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Compliance with Duly Adopted Plans: Complies

- Comp Plan: Rural
- Growth Area: Category D (Rural Growth Areas)
- Area Plan: None
- Comp Plan:
 - Land Use Element
Protection of resource areas, and historical sites/landmarks especially in Category D Rural areas, should be considered by landowners and the County when developing.
 - Economic Development Element
Tourism is one of the key components of the regional economy...preserving the historic and rural landscape is important due to its significance for our tourist economy
 - Rural Character Element
Participants in Envisioning 2020 mentioned farming and ranching economies, scenic vistas, ecotourism activities, dark night skies, unimproved roads, and large lots as measures of rural character



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Compliance with the Zoning District

Purpose Statement: Complies

- Preserves rural character through open space and design
- Provides service tourists, but not locals
- Increase in traffic



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Development Along Major Streets/Traffic Circulation/
Adequate Services and Infrastructure: Complies with
conditions

- Old Fort Bowie, County maintained, ROW dedication conditioned
- Traffic Statement required



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Significant Site Development Standards:
Complies

- Screening:
 - Not required
- Setback:
 - 20' required from all property lines
- Lot Coverage:
 - 25% allowed, less than a total of 10 acres to be disturbed
- Lighting:
 - Required to comply with regs
- Height:
 - Principal structure: 30' above grade
 - Accessory structure: 30' above grade
 - Wall or fence: 8' above grade

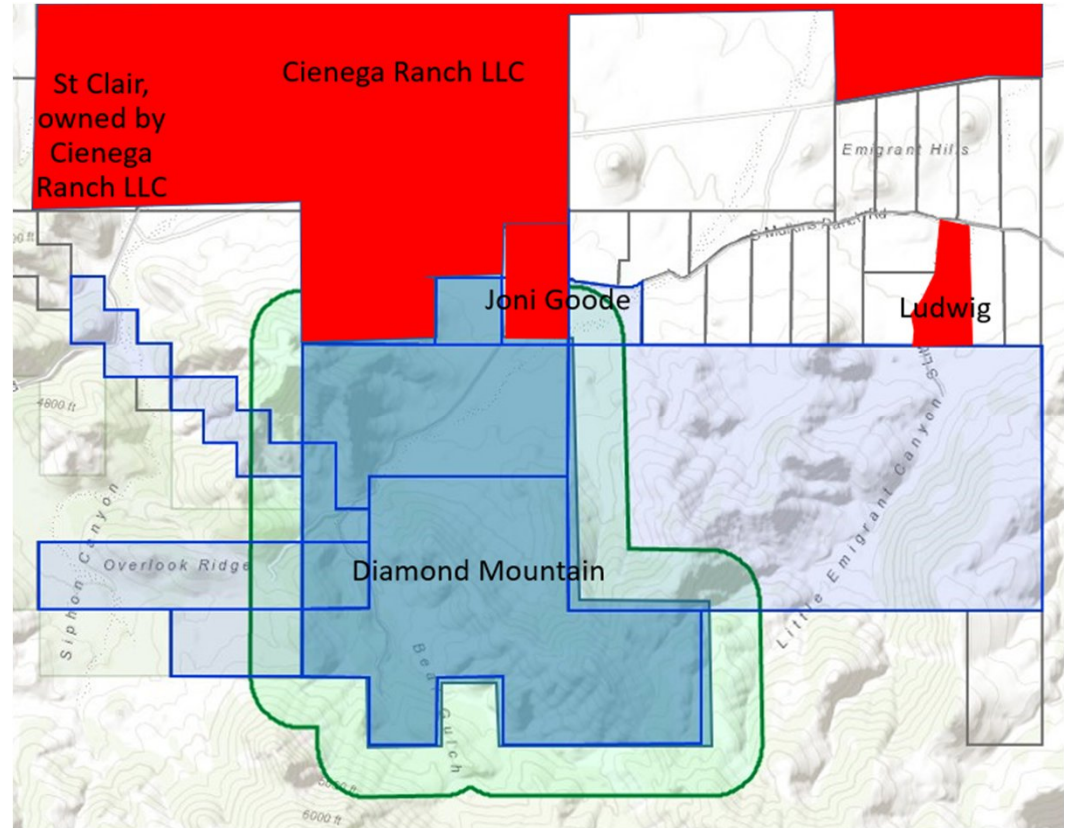


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Public Input: Complies

- Four letters in response,
- 2 from same property
- One outside radius
- One from BLM



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Off-Site Impacts: Complies with Conditions

- Traffic increase
- Noise
- Dust (requiring 2" gravel parking/driveways)
- Visual Impact



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Water Conservation: Complies

- Not located in Sierra Vista Sub-watershed
- Served by private wells
- Drip irrigation used



Factors in Favor of Approval

1. The project is consistent with the applicable policies of the Comprehensive Plan ;
2. The project complies with four of the criteria used to evaluate special use requests. With conditions, it complies with five more criteria;
3. The project would expand tourism within the northern portion of the County;
4. The site plan submitted complies with all applicable site development standards; and
5. The project would generate additional employment.

Factor Against Approval

1. Offsite impacts: additional dust along area roads;
2. Visual impacts – despite making efforts to blend into the natural environment, the project would still be visible from many locations;
3. The project only partially complies with the purpose of the Rural Zoning Districts;
4. Four letters of opposition were received.

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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 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 be applicable 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.



Recommendation: Conditional Approval

4. In conjunction with permits for the parking lot and bus pick up/drop off, the applicant shall submit for consideration a Traffic Statement to the satisfaction of the County Engineer.
5. The permit application shall include a detailed, labeled site plan including clear sight triangles at all driveways and intersections to the satisfaction of the County Engineer.
6. The Applicant shall dedicate necessary right-of-way for Fort Bowie Road, prior to the issuance of any permits.
7. Any lighting shall comply with the Outdoor Light Regulations. If lighting is necessary in the parking areas, this shall be accomplished by using night sky compliant, low ground lighting such as bollards.



Recommendation: Conditional Approval

8. Prior to the start of construction:
 - A. A Stormwater Pollution Prevention Plan (SWPPP) will be required from the Arizona Department of Environmental Quality (ADEQ). This will also include a Notice of Intent (NOI) to clear land.
 - B. A Notice to Clear Native Plants must be obtained from the Arizona Department of Agriculture and a copy submitted to Cochise County.
 - C. A Drainage Analysis will be required (hydrology and hydraulic report) and a Floodplain Use Permit. This includes, but is not limited to, Grading Plans, Site Plans, Drainage Reports prepared by an Arizona Registered Civil Engineer.



Sample Motions

Mr. Chairman, I move to approve Docket SU-21-31 (Old Fort Bowie), with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.



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