

COCHISE COUNTY

**SU 22-05
(Rasch Contract Construction)**

**Special Use Authorization for a Contract
Construction Business in a Rural Zoning
District**

Planning & Zoning Commission

March 9, 2022

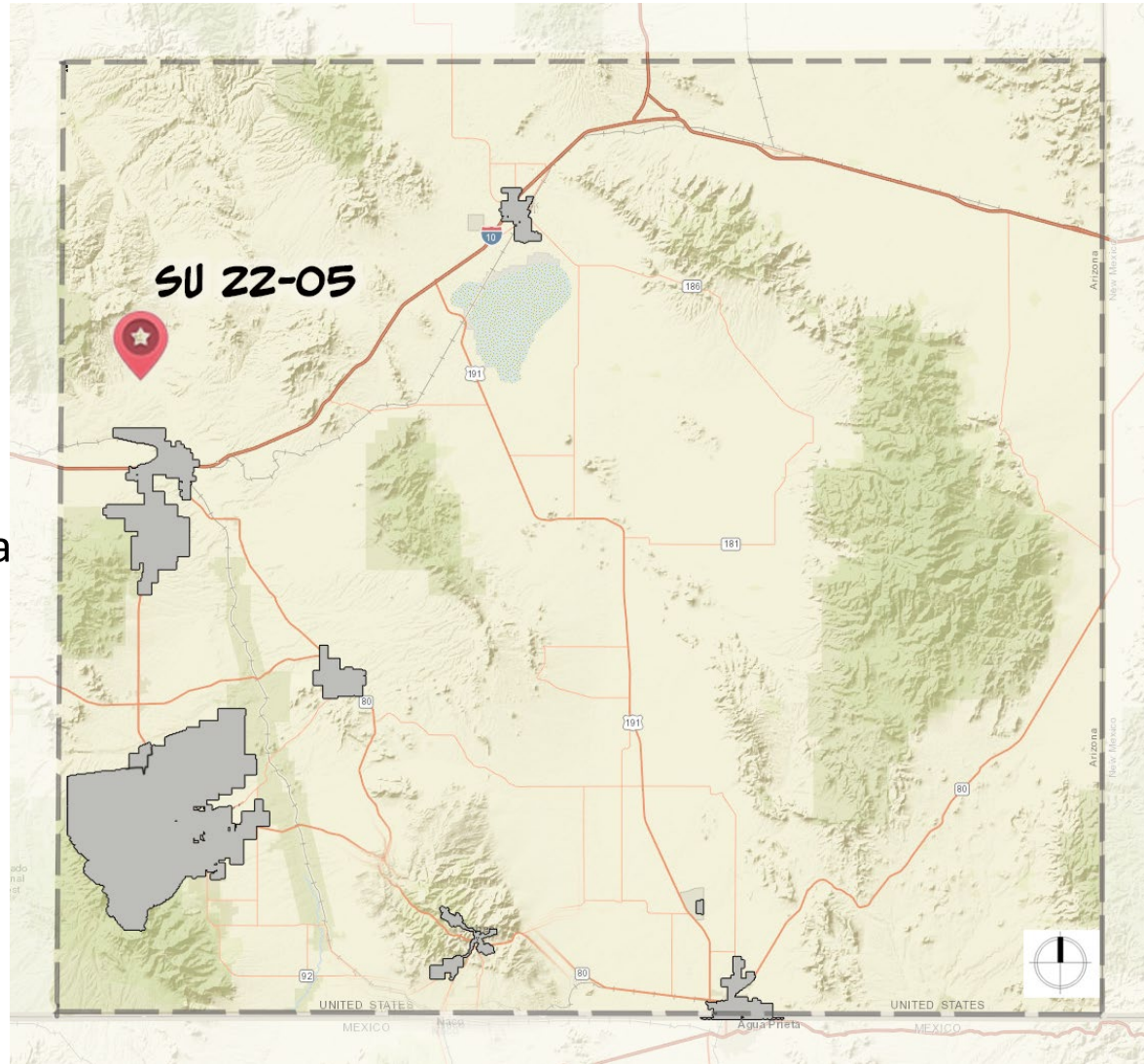


Public Programs...Personal Service

COCHISE COUNTY

Background

- This is a request to allow the repair and storage of heavy equipment on two RU-4 parcels
- The subject property (parcels 208-29-009H and 208-29-009F) are 8.27 acres (combined) and is currently used as a residence and home base for contract construction-type services
- The Applicant is Mr. Kevin Rasch
- The property location is 2248 N Ocotillo Road, Benson, AZ



COCHISE COUNTY **Site Analysis**

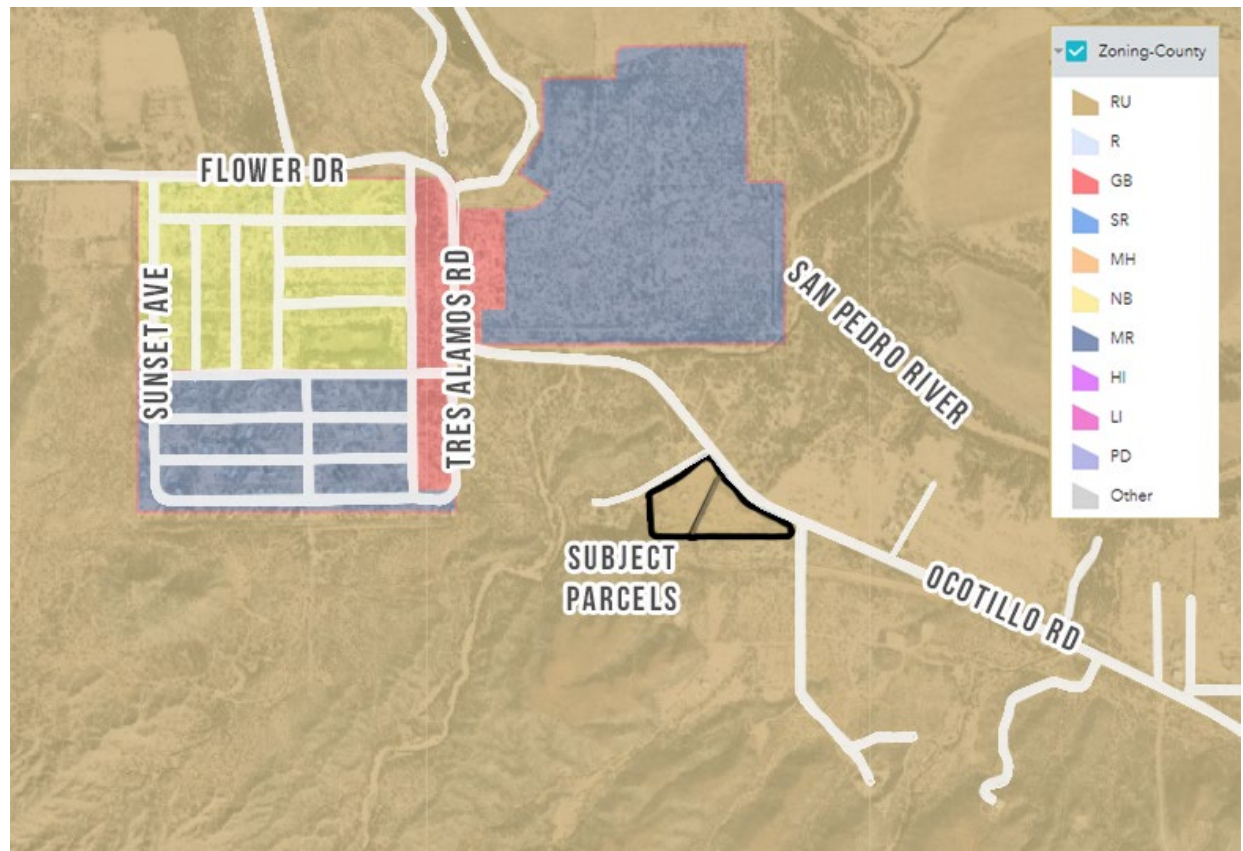




COCHISE COUNTY **Current (and Proposed) Zoning**

RU (Rural) Zoning Districts are established to:

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



COCHISE COUNTY **Evaluation Criteria Analysis**

There are 10 factors used to evaluate all **special use** proposals. As submitted, the application:

- Complies: 5 factors
- Partially Complies: 2 (Compliance with Duly Adopted Plans and Public Input)
- Complies with conditions: 1 factor (Off-Site Impacts)
- Not applicable: 2 factors (Hazardous materials, Water Conservation)



COCHISE COUNTY **Off-Site Impacts – Complies with Conditions**

Noise, Light:

- Operating hours will be limited to those listed on the application – Monday through Friday 8am-5pm
- All lighting shall fully comply with the County's Outdoor Light Regulations

Pollution, Hazardous Materials:

- No mining related activities may occur on either parcel

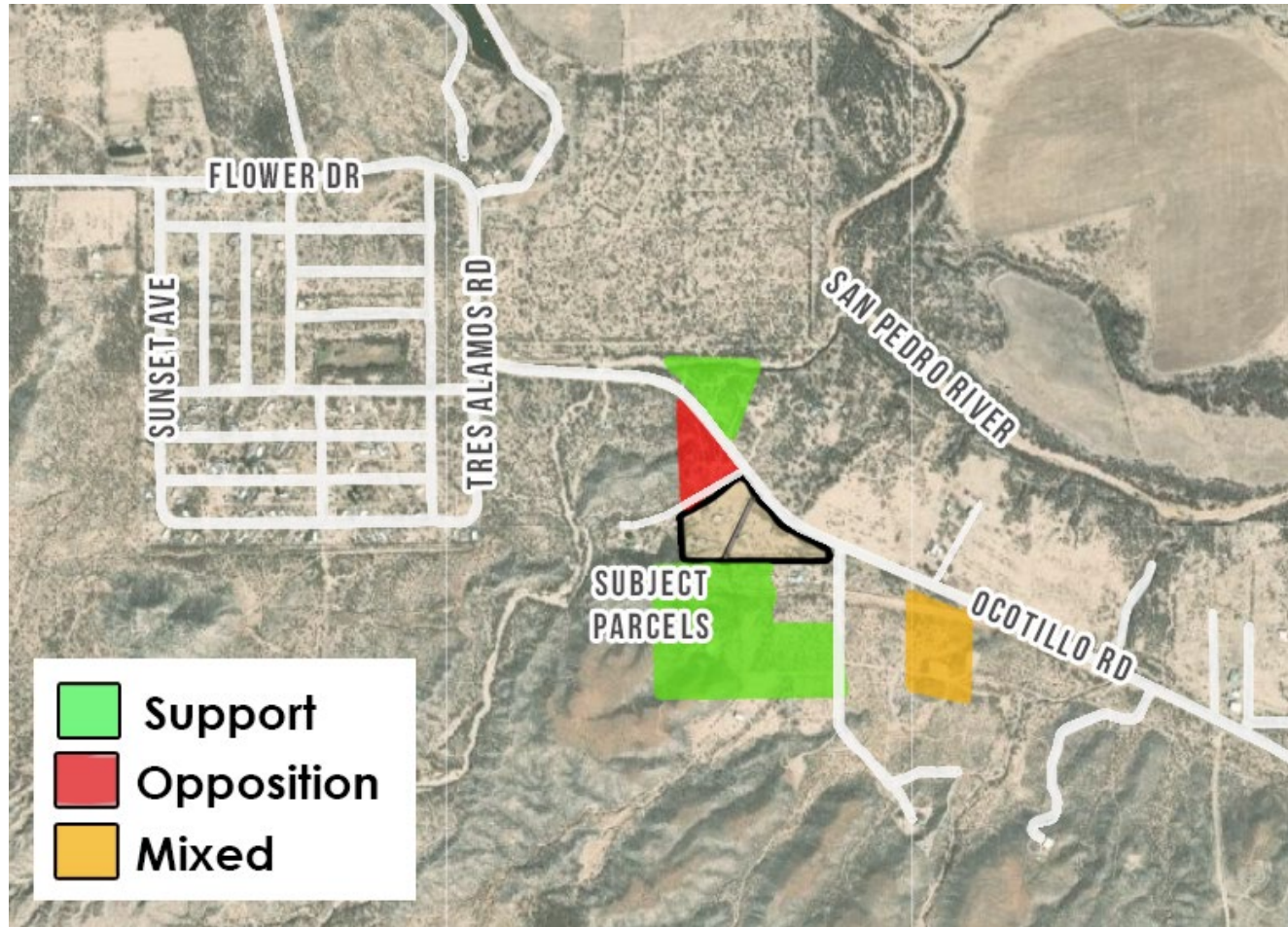
Visual Impacts:

- No outdoor storage of heavy equipment is allowed on Parcel 208-29-009H
- The existing buffer along Ocotillo Road is to remain. Landscape and fencing shall be installed where indicated on the concept plan



COCHISE COUNTY **Community Input**

Two letters of support were received. One letter of opposition was received. One letter of support was countered by a phone call opposition (two owners, one parcel – mixed response)



COCHISE COUNTY **Factors in favor of approval**

1. The project fully complies with five of the criteria used to evaluate special use requests, partially complies with two criteria, and complies with conditions on one criterion;
2. The application is consistent with the purpose of the Zoning District and the goals and policies of the Comprehensive Plan;
3. Staff received three letters of support; and
4. The project would allow for the continuation of a small business and a resolution of code enforcement action.



COCHISE COUNTY **Factors Against Approval**

1. The application is not consistent with the vision or the land use goals of the Tres Alamos Area Plan;
2. There were two objections to this request; and
3. There are potential off-site impacts.





Discussion



COCHISE COUNTY **Staff Recommendations**

- Docket SU-22-05, Recommend **Conditional Approval**

If the Commission wishes to grant approval, 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 any applicable 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. The applicant shall provide all certified affidavits required by Section 1813.03 of the Zoning Regulations in conjunction with project permitting. All accessory structures, including sheds, RVs and accessory living quarters must be properly permitted in order to remain;
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. Operating hours will be limited to those listed on the application – Monday through Friday 8am-5pm.
5. No mining related activities may occur on either parcel.
6. No outdoor storage of heavy equipment is allowed on Parcel 208-29-009H.
7. All lighting shall fully comply with the County's Outdoor Light Regulations.
8. The existing buffer along Ocotillo Road is to remain. Landscape and fencing shall be installed where indicated on the concept plan.

Sample Motions

Mr. Chairman, I move to approve Docket SU 22-05, with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.

