



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 SU22-09 (Frontier)
DATE: April 29, 2022, for the May 11, 2022, Meeting

APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant, The X-Cel Group, represented by Ms. Christine Bond requests a Special Use Authorization to approve a phased eco-friendly destination to teach about soil health, water retention, agroforestry, and similar topics. The venue will hold retreats, workshops, special events and classes. Included with the proposal are approximately 10 RV sites, 10 camping sites, 15 cabin sites, outdoor community kitchens, workshop, open air venue, a lounge/laundry area, a convenience store/gift shop, and market garden.

The project is located at 4797 E Frontier Road, Willcox Arizona. The property is also identified as Assessor Parcel Numbers 401-88-001F and 002A consisting of approximately 47.5 acres.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 47.5 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: Residence and Ranching
Proposed Uses: Eco-Retreat including RV, Cabin and tent camping and educational workshops

Zoning/Use of Surrounding Properties

| Relation to Subject Parcel | Zoning District | Use of Property |
|----------------------------|-----------------|--------------------------|
| North | RU-4 | Vacant land |
| South | RU-4 | Vacant land |
| East | RU-4 | Vacant/Rural Residential |
| West | RU-4 | Vacant/Rural Residential |

Planning, Zoning and Building Safety

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All requested uses are allowed subject to the approval of the Special Use Request:

Section 607.01, Guest Lodging which is defined as *A building or group of buildings furnishing rooms or an area for accommodation for overnight or short-term lodging such as a hotel or motel, resorts, guest ranches, group camps, and campgrounds and may include recreational facilities, restaurants, meeting rooms or similar facilities. This definition does not include Recreational Vehicle Parks or Bed and Breakfast land uses.*

This would apply to the cabins, camp sites, meeting rooms, and kitchens.



Section 607.02, *Recreational Vehicle Parks that are designed to ensure that the park fits into the rural landscape such as clustering RV sites, maintaining perimeter open space and enhancing existing vegetation using drought tolerant vegetation.*

The site includes up to ten (10) RV sites. RV sites are setback from the surrounding properties and clustered around a proposed food forest. The site is conditioned to provide a variety of screening along Solar Run Road to help with screening the use.

Section 607.12 Convenience stores. It is anticipated that this store would be ancillary to the proposed uses and provide amenities primarily to onsite guests.

Section 607.25, Educational Service, which is defined as *a category of land uses including pre-school, primary, secondary, and higher education facilities, vocational, and technical schools, and any other facility in which the principal use is public assembly for the purpose of receiving classroom instruction or practical training.*

The purpose of the project is to bring people together to learn about various sustainability methods and options. Though this would be primarily for onsite guests it would be possible for other members of the public to participate in these activities.

Finally, the applicant is proposing Farmers Market, which is permitted by right.

The area is sparsely populated consisting of large parcels and ranches. A wash is located on the south parcel and will need address setbacks and crossing the wash with the Floodplain Department. A drainage analysis is required.



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, eight (8) factors apply to this request. The project, as submitted, fully complies with five (5) 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 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 use is also consistent with the following Comprehensive Plan Elements:

The property and all surrounding properties are designated as Category B, Developing. These are areas which are expecting to have a moderate level of residential and/or non-residential 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...

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.*

The subject property is not within an Area Plan.

2. Compliance with the Zoning District Purpose Statement: Complies

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.

This project is an eco-retreat that will be designed to fit into the site and the rural area. This will be a place to learn how to stimulate soil health, water retention, agroforestry, etc.



3. Development along Major Streets: Not applicable

The project is not located along a major street. Robinson Road, Frontier Trail and Solar Run are not county-maintained road. Conditions and requirements will be discussed under other sections.

4. Traffic Circulation Factors: Complies with condition

The proposed project will increase traffic on Robinson Road and Frontier Trail. There is no access proposed to Solar Run at this time. The applicant estimates between 5- 60 vehicles will be entering the site each day and estimated the heaviest volumes will be 11AM to 6PM Friday through Sunday in the Spring and Fall.

The Engineering and Natural Resources reviewed the project and has the following conditions:

1. A traffic statement shall be provided in conjunction with the first permit submittal. This traffic statement shall

provide anticipated traffic volumes and identify all improvements necessary to support this development.

2. A new paved apron shall be required at Parker Ranch Road and Robinson Road. All fences, mailboxes and signs located within the County right-of-way and in the clear sight triangles shall be relocated at the applicant's expense to the satisfaction of the County Engineer.
3. The Applicant shall sign a Private Road Maintenance Agreement (PMA) for Robinson Road and Frontier Trail.



5. Adequate Services and Infrastructure: Complies

The site has existing electricity and a shared well. The applicant and the neighbors on the shared well have had some discussions about whether this development will/can tap into this existing water source. Other options for water include installing their own well, hauling water and using rainwater collection.

6. Significant Site Development Standards: Complies with conditions

Site Plan:

The site shows a mix of cabins, recreational vehicle sites, camping, a market, growing areas etc. The site is able to accommodate the development. The site plan submitted for permits will need to be detailed, fully dimensioned, showing all setbacks, structure sizes, parking, etc. Additionally, an ongoing table shall be provided and updated with each permit submittal showing over all lot coverage.

Setbacks:

Setbacks to all property lines shall be maintained at twenty feet.

Lot Coverage:

The residential Land Use district restricts lot coverage to a maximum of 25%. The project is providing large open, farmed, and planted areas. An ongoing table shall be provided with each permit submittal demonstrating that 25% lot coverage is not exceeded.

Height:

The RU-4 allows for a height of up to 30 feet. Any proposed fencing shall be less than eight (8) feet.

Lighting:

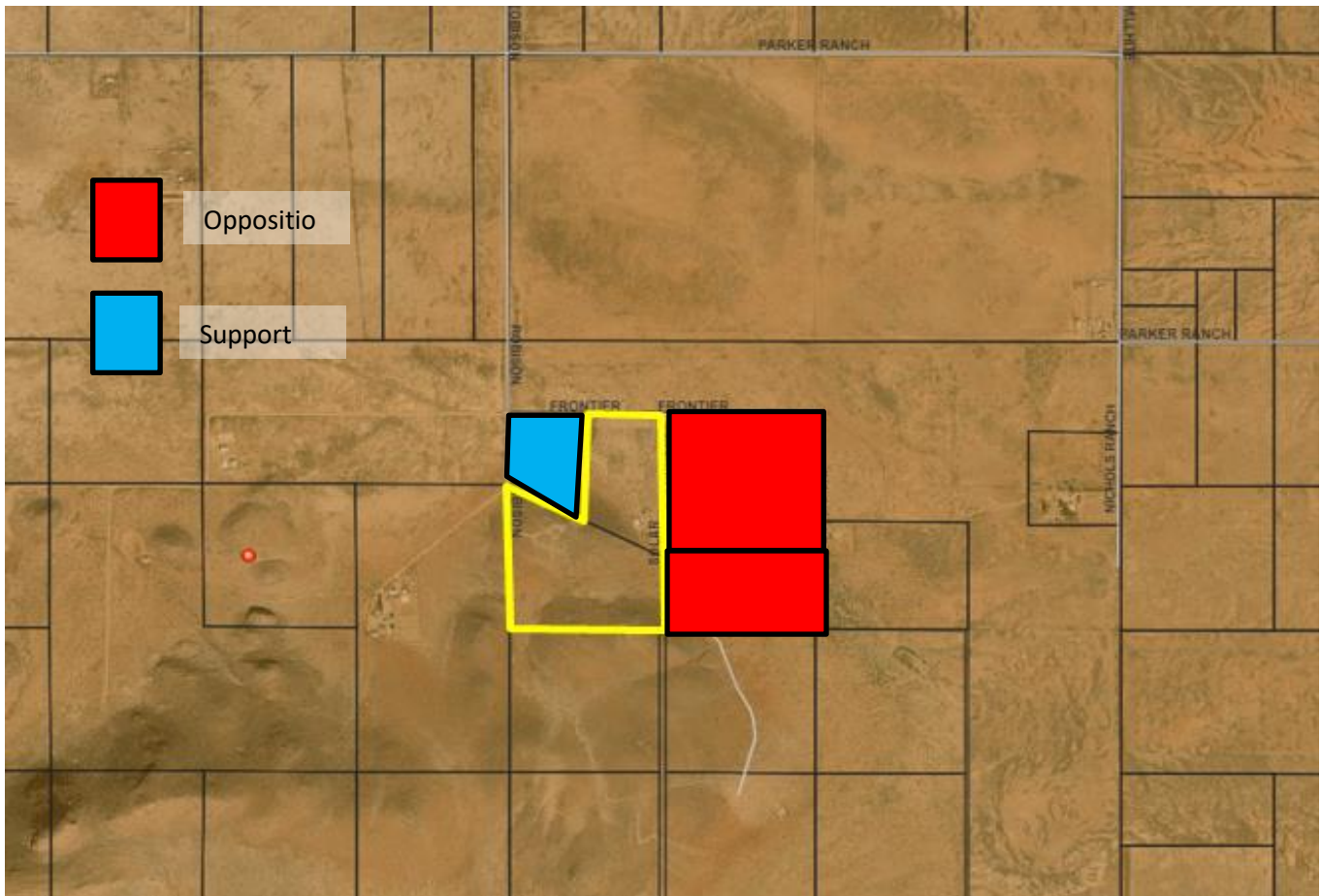
All lighting required shall be shown on the non-residential permit application and will be required to be fully shielded and comply with the Outdoor Lighting Regulations.

Landscaping: No landscaping or screening is required, however due to the potential visual impact and lack of native screening staff is recommending that a solid fence, vegetation barrier or a combination be constructed along the length of Solar Run. This will help reduce visual impact to the neighbors to the east.

7. Public Input: Complies

The applicant mailed letters to property owners within 1000 feet of the property prior to application submittal. The responses that they received are attached to the report.

The Planning Department mailed letters to the same property owners within 1000 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 two (2) letters in opposition and one (1) in support which is not major public opposition to the request.



The issues raised include:

- Water(shared well)
- Traffic
- Non-residents being brought into the area

8. Hazardous Materials: Not applicable

There are no proposed hazardous materials. There is a possibility that battery storage may be utilized, however they required to comply with all standard safety precautions.

9. Off-Site Impacts: Complies with conditions

The potential off-site impacts could include temporary construction traffic, dust, noise. Long term impacts could include visual, increase in traffic, and moderate noise increase. To mitigate the impacts staff is recommending the project construct a solid wall/ vegetation barrier along Solar Run. No access shall be taken off of Solar Run. Additionally, the applicant is required to complete a traffic study to recommend any improvements that are warranted as a result of the development.

10. Water Conservation: Complies

The applicant anticipates approximately 5,800 gallons of water per day with a totally yearly usage of 70,000 gallons. Attachment G of the application discusses the applicants plan for water conservation. This includes rainwater harvesting, gray watering, and composting toilets.

V. WAIVERS

No requested.

VI. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to allow a phased eco-friendly destination to teach about soil health, water retention, agroforestry, and similar topics

Factors in Favor of Approving the Special Use

1. With the recommended Conditions of Approval/modification, the proposed use would fully comply with five (5) of the eight Special Use factors used by staff to analyze this request and would comply with three (3) additional factors if 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. One letter of support received.

Factors Against Allowing the Special Use

1. The Planning Department has received two (2) letter in opposition to the request.

VII. 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. Non-compliance can result in the Special Use being revoked upon a 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. A traffic statement shall be provided in conjunction with the first permit submittal. This traffic statement shall provide anticipated traffic volumes and identify all improvements necessary to support this development;
5. Prior to Final inspection of Phase 1, a new paved apron shall be required at Parker Ranch Road and Robinson Road. All fences, mailboxes and signs located within the County right-of-way and/or in the clear sight triangles shall be relocated at the applicant's expense to the satisfaction of the County Engineer;
6. The Applicant shall sign a Private Road Maintenance Agreement (PMA) for Robinson Road and Frontier Trail; and
7. A Drainage Analysis must be submitted from an Arizona Registered Civil Engineer;
8. A solid wall, berm, vegetation screen or a combination shall be constructed/planted along Solar Run in conjunction with each phase.
9. With each permit submittal a detailed, fully dimensioned site plan shall be provided and including an ongoing table showing site lot coverage.

Sample Motion:

Mr. Chairman, I move to approve Special Use Docket SU22-09 (Frontier) located on parcel, 401-88-001F and 002A with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.