



# Cochise County

Development Services  
Planning Division

Public Programs...Personal Service  
www.cochise.az.gov

## APPLICATION FOR A SPECIAL USE

Applicant's Name: HPAZNET LLC

Name of All Property Owner(s): Joseph Sypien

Applicant Mailing Address:

PO Box 166, Hereford, AZ 85615

Street #

Town

State

Zip code

Subject Property Address (if different than mailing address):

6045 East Calle Lobo, Hereford, AZ 85615

Street #

Town

State

Zip code

Email Address: billing@hp-az.net

Phone Number: 520-732-2100

Tax Parcel Number: 10482019H

Current Zoning Designation: Rural

Comprehensive Plan Land Use Category/Growth Area: Residential

Comprehensive Plan Land Use Designation: D

Area Plan Designation (if applicable): \_\_\_\_\_

Size of Property (in acreage or square feet): 4.31 acres

How many acres will be cleared and developed? 0.04 acres

Describe your relationship to this application. (Select one)



I am the property owner



I am an authorized agent for the property owner

### Bisbee Office

1415 Melody Lane, Building F

Bisbee, Arizona 85603

520-432-9300

520-432-9278 fax

planningandzoning@cochise.az.gov

If the applicant is not the property owner, please attach a notarized letter of authorization to this application.

### **The Purpose of a Special Use**

Special Uses include uses or activities with a greater potential for impacts on neighboring properties than the permitted uses in a Zoning District. Examples of Special Uses are manufacturing, RV Parks, guest ranches, hospitals and schools. These more intense uses must be carefully reviewed to decide if they could make good neighbors to the existing uses. For this reason, a Special Use Permit requires a public hearing and approval by the Planning and Zoning Commission before it is allowed.

### **What is the Process?**

1. Pre-application meeting with County planning staff.
2. Citizen Review Process – the applicant must send notice to all property owners within a radius of no less than 300 feet of the subject parcel(s), as shown on the most recent available records of the last property tax assessment. The County Zoning Inspector may expand the mailed notification area to greater than a 300-foot radius at time of application acceptance if there are compatibility concerns associated with the request.
3. Application Submittal
4. Technical review by relevant internal staff and external agencies
5. Public Hearing – Planning and Zoning Commission (Approval/Denial)

### **Appeals**

The Commission action can be appealed to the Board of Supervisors by anyone who disagrees with the outcome. Appeals must be filed within fifteen (15) calendar days of the Commission action. The applications are available online "Appeal: Board of Supervisors."

### **Required Submittals**

1. This application
2. Citizen Review Report
3. Site plan -drawn to scale showing the existing and proposed District boundaries and an accurate legal description of the area being petitioned for amendment. See "concept plan instructions for special uses" (included in this application). Please see our website for an example plan: <https://www.cochise.az.gov/development-services/special-uses>
4. Letter of Authorization (for authorized agents, if applicable)
5. Hazardous or polluting materials attachment (only if hazardous materials are proposed, if applicable)
6. Deed restrictions (if applicable)
7. Outdoor lighting, manufacturers specifications (if applicable)
8. Processing Fee

### **Concept Plan Instructions for Special Uses**

Sometimes, an applicant will seek approval for a particular special use or uses on a piece of property well ahead of actual construction or operation of that use. Often the exact dimensions of structures or configuration of uses on the property are not known yet until the uses have been approved and the applicant has invested resources into site planning. The Zoning Regulations allow for the submittal of a "Concept Plan" in lieu of a site plan in the case of phased special uses on one property or a special use where construction is not anticipated within one year. However, if the use(s) are approved by the Planning and Zoning Commission, then a detailed site plan meeting the requirements of the Zoning Regulations will be required for each use or phase and shall be in substantial conformance with the approved special use. If the site plan is not within substantial conformance with the approved use and concept plan, then the special use will need to be reviewed, in a public hearing, by the Commission once again to modify the original proposal. **Note: any**

**anticipated waivers of site development standards such as setbacks, screening, landscaping or parking spaces must be requested, justified, and approved by the Commission prior to the issuance of a building permit.**

In order to adequately review the proposed special use(s) on a piece of property, a Concept Plan must include at a minimum the following information:

- Parcel boundaries and adjacent roads;
- The general location, size and height of all structures and uses (existing and proposed), including minimum setbacks from parcel boundaries, washes and roads;
- The general location and minimum number of parking spaces to be provided, including proposed surface and width of driveways;
- Proposed screening and landscaping;
- Any significant topographical features (washes, hills, rock outcroppings, wetlands) and cultural features of the property and adjacent parcels;
- If applicable, project phasing (approximate schedule of uses and construction) and any other information deemed necessary to effectively review the Special Use.

Please state the reason for this request and why it should be supported.

We currently serve approximately 200 households with Internet service from a tower that we will soon be losing access to. Erecting the proposed tower will allow us to continue service to those households. HPAZ serves just under 700 households in the Hereford, Palominas, and Sierra Vista Southeast areas, and a loss of 200 customers would be very detrimental to our business. In addition to continuing to provide high quality service to our existing customers, we will also be making upgrades to our infrastructure in order to offer service to more households in the area and expand high speed broadband coverage to surrounding neighborhoods.

Identify the utility company/service provider for each of the following services and state if additional provisions or future connections are required in the space below.

<b>Service Provider</b>	<b>Service Provider</b>	<b>Additional Provisions Required</b>
Water/Well	N/A	N/A
Sewer/Septic	N/A	N/A
Electricity	We will supply an off-grid solar power array.	N/A
Natural Gas	N/A	N/A
Telephone	N/A	N/A
Fire Protection	Local Fry Fire District	N/A
Waste Disposal	N/A	N/A

Is this request consistent with all deed restrictions or private covenants in effect for this property? If applicable, please include a copy of these restrictions/covenants with this application.



Yes



No



Not applicable (no deed restrictions or covenants)

Describe all **existing** structures/uses present on the subject parcel. Note: the size and location of existing structures must be shown on the accompanying site plan.

The parcel contains one single family residence along with 3 permanent and 2 portable outbuildings.

Describe all **proposed** structures/uses on the parcel that to be placed on the parcel. Note: the size and location of proposed structures must be shown on the accompanying site plan.

HPAZ proposes to erect an RSL70L40 70' free-standing tower. In addition, we propose to place an outdoor utility shed near the tower to house sensitive equipment. To power the site, we will install a 1.8 kW solar panel array. We will place chain link fencing around the perimeter of the tower site (30' square) for security.

Is the proposed special use consistent with stated purpose of the current zoning district? Explain.

Pursuant to section 607.40 of the Cochise County Zoning Regulations, we request special use authorization to build a 70' communications tower for the purpose of providing Internet service to rural homes and businesses.

Describe all intermediate and final products/services that will be produced/offered/sold, if applicable.

High speed broadband Internet service will be transmitted to end-users via microwave radio link from transmitters located on the proposed tower.

What materials will be used to construct the new building(s)? (Note, for an existing building(s), please also list the construction type(s), i.e., factory-built building, wood, block, metal).

Tower: Factory built steel pieces to be assembled on-site

Tower foundation: concrete with rebar reinforcement; site-built

Utility shed: wood; pre-built custom

Will the project be constructed/completed within one year or phased?



One year



Phased

If this is a phased project, describe the phases here and physically depict them on the site plan.

What are the days and hours of operation (if applicable)?

Days of the week: 24 hours per day/7 days per week; unmanned

       AM to        PM

Number of employees (if applicable):

Initially 0 Future: 0

Total average daily traffic generated (non-residential uses):

How many vehicles will be entering and leaving the site (per day)? less than 1

Total trucks (e.g., by type, number of wheels, or weight)? less than 1 (repairs only)

Estimate which direction(s) and on which road(s) the traffic will travel from the site.

North on Calle Lima

If more than one direction, estimate the percentage that travel in each direction.

At what time of day, day of week and season (if applicable) is traffic the heaviest?

N/A

Water Use:

Estimate the total gallons of water needed for the proposed use: per day 0 per year 0

Please indicate your water source water not required at site

If your property is served by a private well, show the existing or proposed location on the site plan.

List any strategies you will employ, on site, to minimize water use, recycle water, and/or enhance onsite natural recharge.

The only water required on-site will be bottled drinking water during construction and times of maintenance, which will be provided by HPAZ.

To aid in natural recharge and prevent excessive runoff on site, we will be adding gravel within the fenced area.

Will your property be served by a septic system?  Yes  No

If yes, show the septic tank, leach field and 100% expansion area on the site plan, and indicate whether the system is existing or proposed.

Does your parcel have permanent legal access\*? If no, what steps are you taking to obtain such access? (\*Our Zoning Regulations state that no building permit for a nonresidential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.)

Yes, from Calle Lima

Which streets or easements will be used for traffic entering or exiting the property? (Please label on the accompanying plan)

Calle Lima

What impact will this have on the traffic volume of roads serving this subject property?

Very minimal impact.

How many driveway cuts are proposed along streets or easements to allow site access? State whether this is an increase/decrease and whether any existing cuts will need relocation.

There is an existing driveway that does not require relocation.

Does the subject parcel have site access onto a major road?

Yes  No

Are you requesting any modifications or waivers from site development standards? If yes, explain.  
No.

Is the subject property within Sierra Vista Sub-Watershed Overlay Zone? If so, please indicate this, and that you understand that it may be subject to additional plan reviews and inspections whenever a building permit is required.

Yes, and I understand the permitting requirements       No, it's outside the boundaries

Please describe your citizen review process (if applicable). Specifically, state whether you received any responses to your mailed notice or public meeting. Explain how your special use application has incorporated the feedback you received.

We mailed out the citizen review letters on 4/18/22. As of 4 pm on 4/26/22, we have not received any calls or correspondence regarding the proposed special use request. We will record any comments received between 4/26/22 and the Public Hearing on 6/8/22.

Describe any outdoor activity associated with your special use proposal, if applicable.

After construction of the tower, solar array and fencing, outdoor activity will be limited to maintenance of communications equipment and the solar array on an as-needed basis.

Will outdoor storage of equipment, materials or products be needed? If yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties.

No outdoor equipment storage is needed.

Will any noise or vibrations be produced that can be heard or felt on neighboring properties on a regular basis? if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties?

We will be capping all tubular sections of the tower and mounts to prevent noise/vibrations.

Will odors be created? If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties?

No.

Will any on-site activities attract pests, such as flies or mice? If yes, what measures will be taken to prevent a nuisance on neighboring properties?

No.

Will additional dust be created on a regular basis? If yes, what measures will be taken to prevent this dust from escaping onto neighboring properties or roadways?

No.

Is outdoor lighting proposed? If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please submit manufacturer's specifications for all light fixtures.

Yes  No

Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)? If yes, show details on the site plan. Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.

Yes  No

Show on-site drainage flow on the site plan. Will drainage patterns on site be changed? If so, please indicate on the site plan and describe below.

To aid in natural recharge and prevent excessive runoff on site, we will be adding gravel within the fenced area.

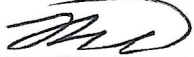
If more than one acre is to be cleared, describe the proposed dust and erosion control measures to be used and show on site plan, if appropriate.

We will be clearing significantly less than one acre (0.04 acres)

Do you anticipate the use of any hazardous or dangerous materials? If yes, please complete a "Hazardous or Polluting Materials Attachment" and attach it to this application.

Yes  No

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit. In addition, I hereby request all inspections necessary to process this application, and if the permit is issued, I request all inspections necessary to monitor progress, and document completion, at all stages of the work related to this permit. Failure to obtain permits may result in fines or other penalties.



Applicant Signature

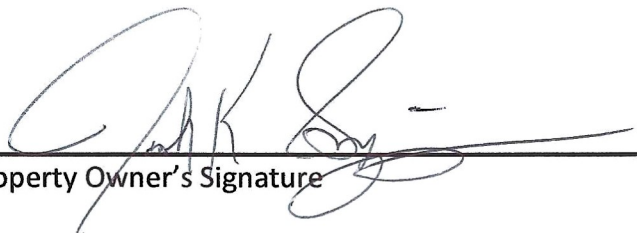
04/26/2022

Date

Joseph Sypien  
Property Owner  
6045 East Calle Lobo  
Hereford, AZ 85615  
Tax Parcel Number: 10482019H  
(989)397-5450  
[joesyvien@yahoo.com](mailto:joesyvien@yahoo.com)

### Authorization to Apply for Special Use Permit

I, Joseph Sypien, the property owner of 6045 East Calle Lobo, Hereford, AZ 85615 (Tax Parcel # 10482019H), hereby grant my authorization for HPAZNET LLC to apply for a special use permit to rezone my property for construction and operation of a commercial use tower.

  
Property Owner's Signature \_\_\_\_\_ Date 4-13-2022

State of Arizona  
County of Cochise  
The foregoing instrument was acknowledged  
before me this 13 day of April 2022  
by Joseph Sypien  
Notary Public RSC CPL



# SITE PLAN

6045 E Calle Lobo

Hereford, Arizona 85615

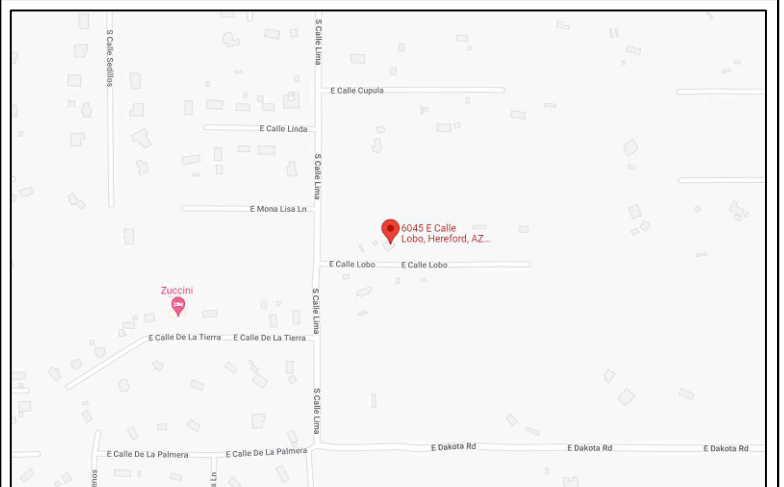
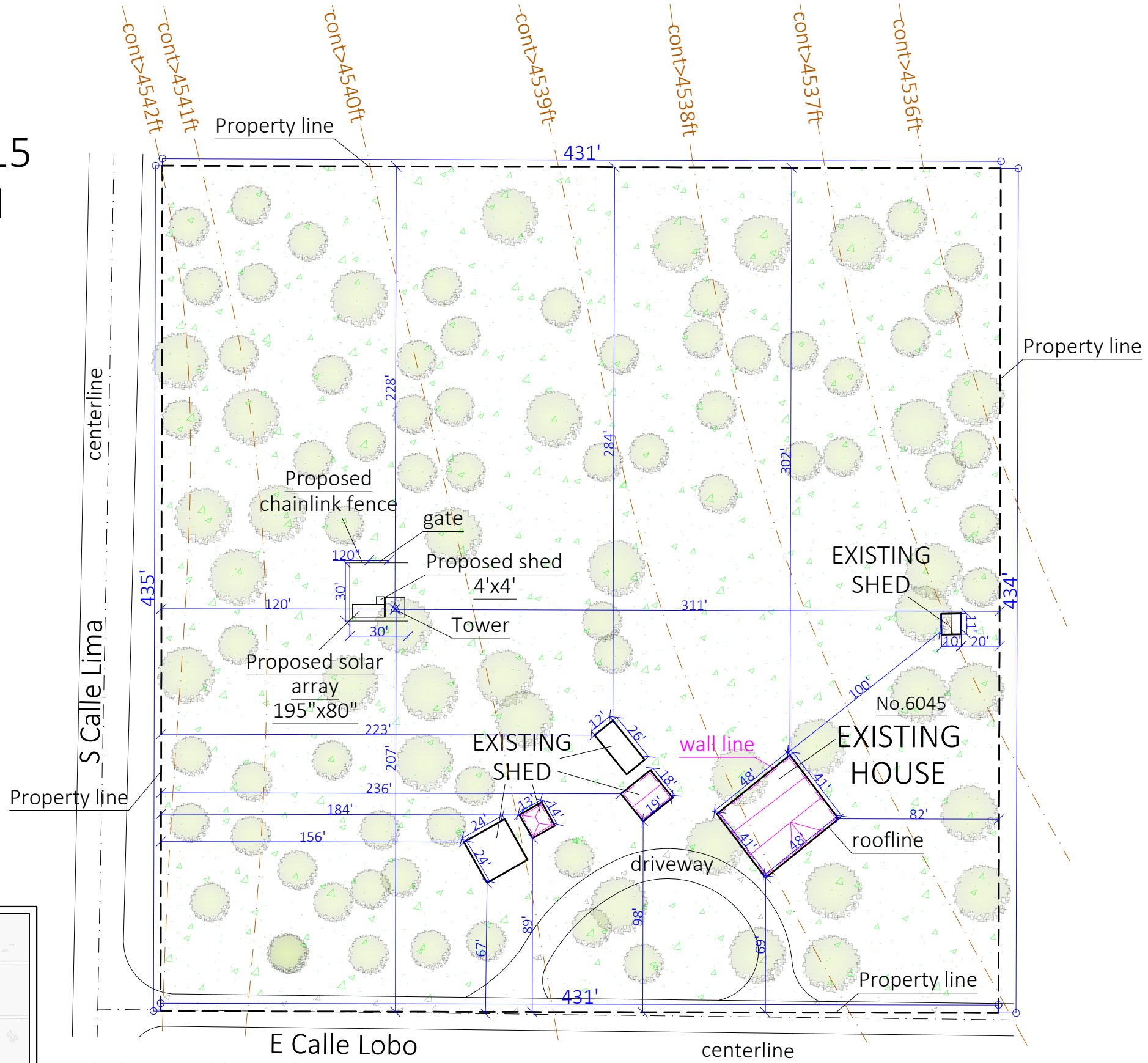
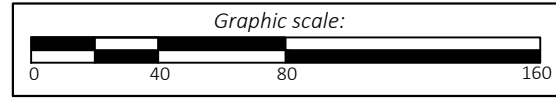
Parcel ID: 104-82-019H

Lot area: 4.30 Acres

Plot Size: 11"x17"



scale 1"=60'



VICINITY MAP

### Calculating Building and Lot Coverage Percentages

Lot area: 187,308 sq.ft.  
 Total building coverage (gross floor area): 3,431 sq.ft.  
 New impermeable surface sq footage for proposed structures: 224 sq.ft / 187,308 sq.ft = 0.00119 = 0.1%  
 Total Lot Coverage: 7,202 sq.ft.  
 Lot Coverage Percentage: 7,202 sq.ft / 187,308 sq.ft = 0.03845 = 3.8%  
 \*Total landscape areas:

Created by:

