



MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Christine McLachlan, AICP, Planner II
FOR: Daniel Coxworth AICP, Development Services Director
SUBJECT: SU 22-24 (War Performance), Application for a Special Use Authorization
DATE: December 2, 2022, for the December 14, 2022, Meeting

Docket SU 22-24 (War Performance)

The applicant, War Performance LLC, represented by Myra Arnold, requests Special Use Authorization to operate repair services, small engines on 4.13-acres of developed land in Hereford, Arizona. The establishment of repair services, small engines (607.30), is subject to Special Use Authorization from the Planning and Zoning Commission in a rural zoning district. The proposed development, located on parcel 107-61-025, is at 8567 East American Dream Way Sierra Vista, where indicated on the location map. The property currently has a house and associated residential structures, which will remain. This includes a recently constructed 1,500 SF metal storage structure that is proposed to accommodate the small engine repair.

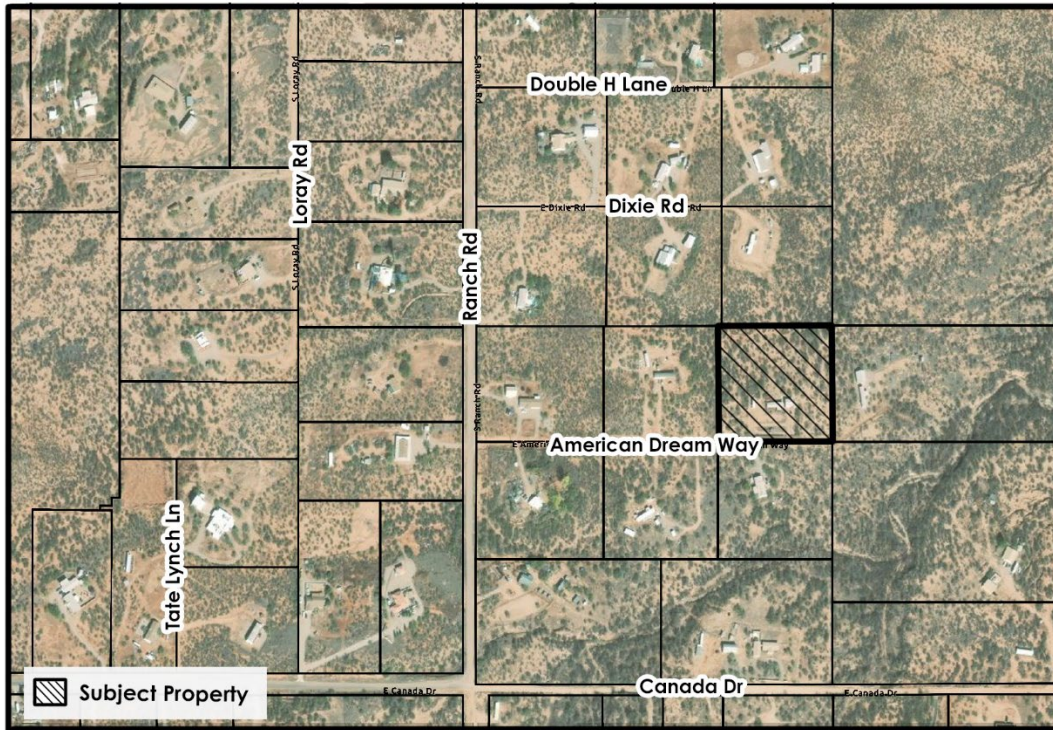
I. Description of Subject Parcel and Surrounding Uses

Parcel Size: 4.13-acres
Current Zoning: RU-4 (Rural; one dwelling per 4 acres)
Proposed Zoning: Same
Growth Area: Category D
Comprehensive Plan Designation: Rural Residential
Area Plan: None
Existing Uses: Residential with accessory structures
Proposed Uses: Residential with small engine repair

Surrounding Zoning and Uses (See Figure 2)

<i>Relation to Subject Parcel</i>	<i>Zoning District</i>	<i>Use of Property</i>
North	RU-4	Residential
South	RU-4	Residential
East	RU-4	Residential
West	RU-4	Residential

Figure 1: Location Map



Location
SU 22-24 War Performance



II. SITE HISTORY

- 2017: Replacement of 1,064 SF manufactured home
- 2022: 1,500 SF metal accessory structure (residential opt-out permit)
- 2022: Motorcycle repair shop and signage complaint

The applicant was issued a rural residential owner-builder (no inspection) permit for a 1,500 SF steel building accessory structure in January of 2022. In October 2022, a complaint was filed by a neighbor against the owner for operation of a small engine repair business without special use authorization. The applicant subsequently filed for this request in a timely manner.

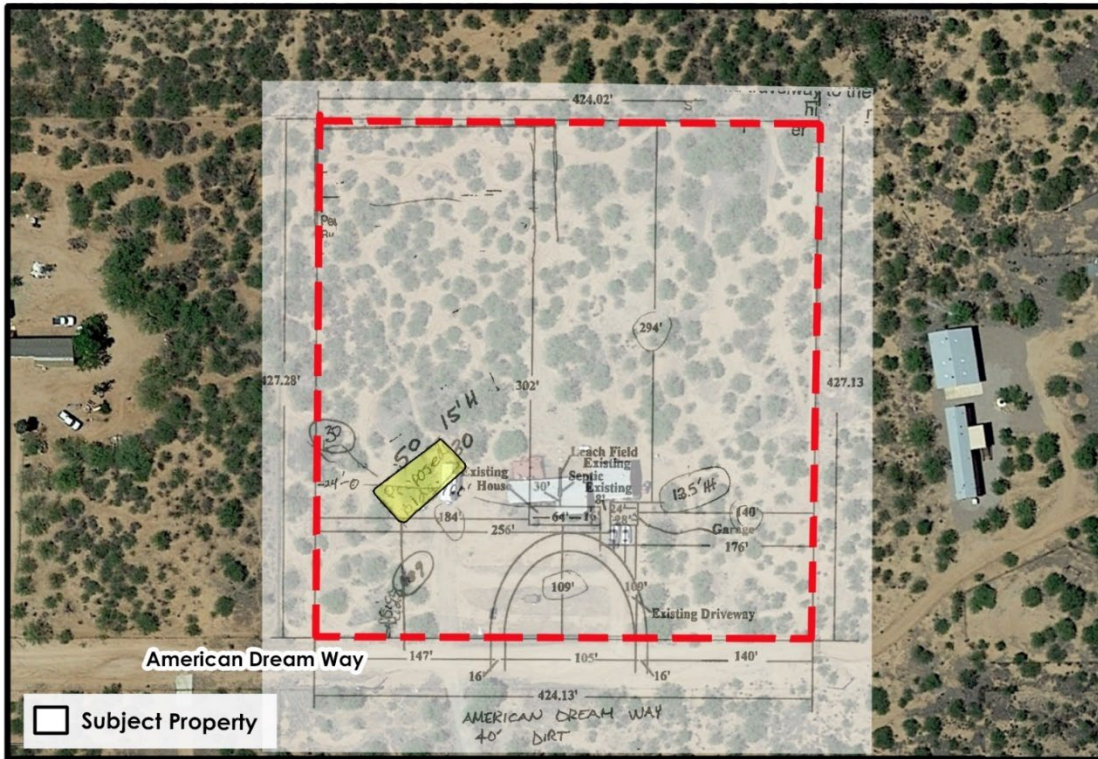
III. REQUEST DESCRIPTION

The applicant, War Performance LLC, represented by Myra Arnold, requests Special Use Authorization to operate a small engine repair business on 4.1-acres of developed land in Sierra Vista, Arizona. Repair Services, Small Engines is defined as follows in the Zoning Regulations, “Repair Services, Small Engines - Services designed to repair vehicles with no more than two axles, recreational vehicles, and/or other small engines and may include incidental retail sales.” (Section 203, Zoning Regulations)

The establishment of a small engine repair business is subject to site development standards contained in the Cochise County Zoning Regulations and requires Special Use Authorization from the Planning and Zoning Commission in a rural zoning district. The proposed development, located on parcel 107-61-025, is at 8567 East

American Dream Way Sierra Vista, where indicated on the location map. The property currently has a house, garage, and a recently constructed metal shop. The shop is proposed to serve the small engine repair business, if approved by the Commission. The proposed small-engine repair shop is indicated in yellow. It is 50 feet by 30 feet in length and width and 15 feet in height.

Figure 2: Site Plan



Site Plan
SU 22-24 War Performance



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, nine of the ten factors apply to this request. The Project, as submitted, fully complies with three factors, and partially complies with two factors, Complies with conditions on four factors. The development along major streets factor does not apply.

1. Compliance with Duly Adopted Plans: Complies

The project supports the goals of the Cochise County Comprehensive Plan including goals in the Economic Development and Land Use Elements. The Economic Development element supports entrepreneurship and small business development. Additionally, the proposal supports the Comprehensive Plan Rural Residential Designation. As stated in the Comprehensive Plan, "Due to the well-established residential character of these areas, rezonings or special uses to allow for more intensive developments that do not directly serve the residents of these areas are not generally appropriate. Less intensive businesses that serve area residents may be appropriate." This is a small, locally owned business that should primarily serve area residents.

2. Compliance with the Zoning District Purpose Statement: Complies

The property is zoned RU-4, which is rural zoning, one dwelling per four acres. The surrounding area is similarly zoned. As stated in Section 601 (Purpose) of the zoning regulations: RU (Rural) Zoning Districts are established to achieve the following purposes (relevant statements cited):

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

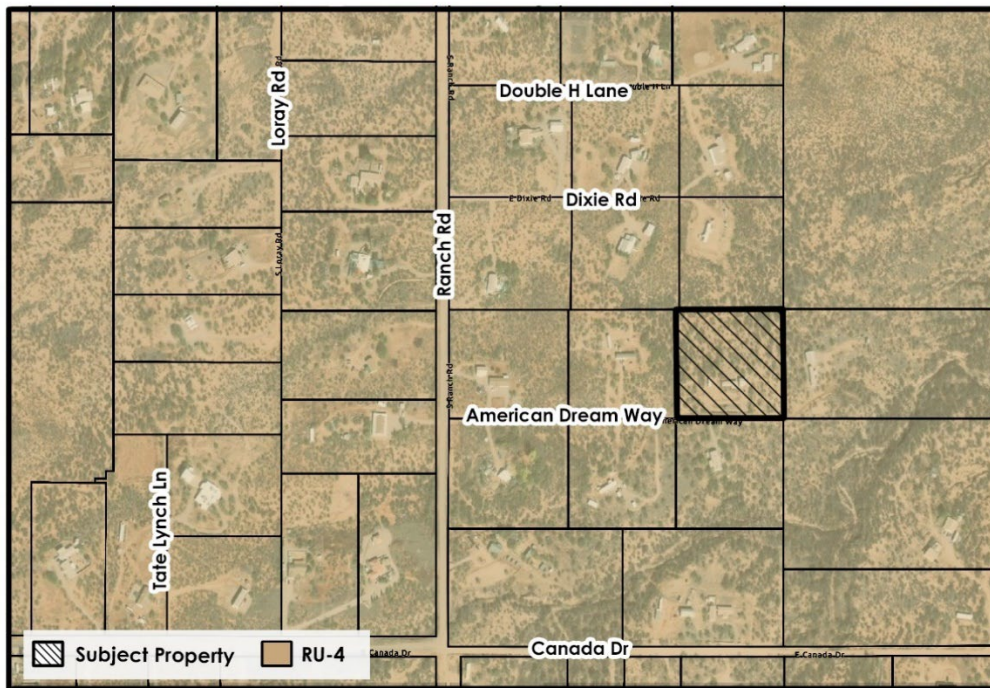
601.02 To encourage those types of non-residential and non-agricultural activities which serve local needs or provide a service and are compatible with rural living;

601.04 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;

601.07 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 applicant wishes to establish a motorcycle repair business on a rural parcel. It will be co-located with an existing house. Most specifically, the use is consistent with 601.02, which states the purpose of the established: "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." The business would likely serve nearby residents. Motorcycles are a common form of transportation in the county.

Figure 3: Zoning



Zoning
SU 22-24 War Performance



3. Development along Major Streets: Not applicable

The intent of this factor is to consider limitation on the number of access points on major thoroughfares or arterial streets, and County collectors through the use of frontage roads, shared access, no access easements or other safe methods designed to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials. This parcel is on American Dream Way, which is a local, dirt, private road. It is not county-maintained.

4. Traffic Circulation Factors: Complies with Condition

Specifically, this factor stipulates that the Special Use Authorization request should not result in the use of any residential street for non-residential through traffic. The area can be characterized as rural with scattered low-density residential use. The applicant wishes to establish a small engine repair business, which would attract some non-residential traffic. However, as stated in the application, the hours of operation will be Monday-Friday, 9am-5pm, by appointment only. Internet sales of related goods is also proposed, which would require delivery trucks.

As stated in Section 1807.02 of the Zoning Regulations, “No building permit for non-residential use shall be issued unless a site has direct permanent access to a publicly maintained street or to a street where a private maintenance agreement is in place.” Because this parcel does not access to a public road, a private maintenance agreement (PMA) is required. Through the PMA the applicant must agree to participate with the other property owners to maintain a passable roadway condition along American Dream Way for the duration of the commercial use.

5. Adequate Services and Infrastructure: Complies with Conditions

The site currently includes a residential home, garage, and shop. It includes a private well and a septic tank. It is served by SSVEC for electricity and Fry Fire District for fire protection. As conditioned by the County health department, no oils or solvents shall be put into the septic system. Additional permits may be required from the Arizona Department of Environmental Quality (ADEQ) for activities commonly associated with auto repair, including hazardous waste disposal, lead acid battery collection, and oil disposal. These requirements, will be further analyzed during commercial permitting, should the special use be approved by the commission.

6. Significant Site Development Standards: Complies

The County does not have site development standards that specific for small engine repair. As a result, only site development standards that apply to a broad range of nonresidential uses, like parking and floodplain requirements, or those that apply to uses within RU-4 zoning, apply in this case.

- Landscape/Irrigation (Section 1806): The site is within Category D growth area. Consequently, it is exempt from landscape and irrigation requirements.
- Parking and Loading (Section 1804): This use is subject to the schedule of required off-street parking in Section 1804.05 of the Zoning Regulations, which requires “1-space per 350-square feet in Category C and D Areas.” For a 1,500 SF business, 4 parking spaces would be required.
- The proposed use complies, and/or will comply, with all site development standards for RU-4 zoning, including maximum site coverage, setbacks, distance between structures.

7. Public Input: Partially complies

See Section IV. Public Comment for additional discussion. One response in support and nine responses in opposition were received by the case planner and are included in this docket. This response is significant enough to warrant additional considerations. Per the Zoning Regulations (1716.02. G.), “If public concerns have been raised, it is fair to ask if the Applicant has made a reasonable effort to address these concerns.”

Should the commission choose to support the request, staff recommends that the commission attach conditions 1-5, which are intended to help address neighbor concerns. All conditions recommended by staff within the recommendation section of this report relate to neighbor concerns.

8. Hazardous Materials: Complies with condition

The Applicant will be using various engine related chemicals such as fuel and lubricants. While the substances used and stored will be similar to those used by some single-family homes, the quantities are likely to be larger. Staff recommends conditions related to ensure proper storage and disposal of such substances. (See conditions 2 and 3).

9. Off-Site Impacts: Complies with conditions

This factor is intended to ensure adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights, and/or stormwater run-off.

- According to the application, there will be no outdoor activity or material storage.
- No odors or on-site activities that attract pests are anticipated
- No outdoor lighting is proposed
- Hours of operation are limited to Monday-Friday 9-5pm, by appointment only
- No additional employees will be employed
- Approximately one delivery truck daily is anticipated arriving/leaving the site to serve the online sales

Should the commission choose to support the request, staff recommends that the commission attach conditions 1-5, which are intended to address neighbor concerns and mitigate off-site impacts.

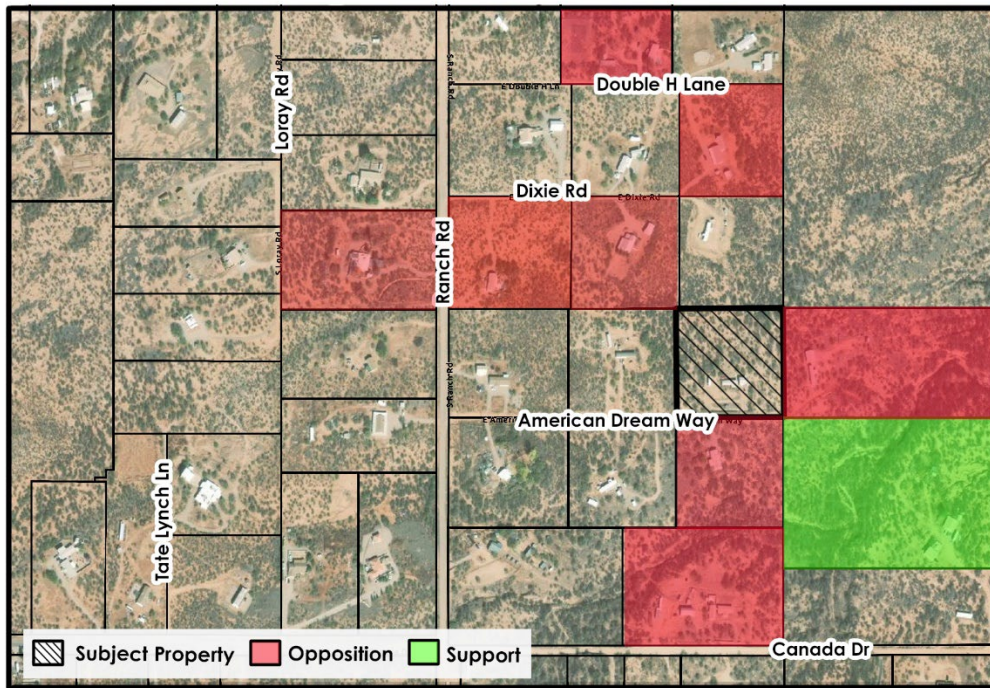
10. Water Conservation: Complies

The current house is served by a private well. Small engine repair, by appointment only, is not a water-intensive use. It is within the Sierra Vista Sub-Watershed and need to comply with section 1819.02 of the Zoning Regulations. More specifically, this is not a commercial car wash or multifamily family development, and no artificial water features or misters are proposed.

VI. PUBLIC COMMENT

The applicant mailed letters to property owners within 500 feet of the property prior to application submittal and received no written responses.

Figure 4: Citizen Review



Public Input
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The case planner mailed letters to the same property owners within 500 feet of the subject property, published a legal ad in the *Sierra Vista Herald*, and posted legal notices on the property. To date, staff has received twelve responses, which are included in this docket. Of those responses, four were in support, although three of the four were from the applicant. The remaining nine responses were in opposition (eight from individual properties). Specifically, the respondents mentioned noise, traffic, property values, environmental impacts, and concerns about the appropriateness of a commercial use in the area. One respondent also mentioned the potential for the accumulation of tires, solvents, and oils. All responses have been included in the docket.

VII. WAIVERS

None requested.

VI. SUMMARY AND CONCLUSION

This is a special use request for small engine repair on 4.1-acres of land in Sierra Vista, Arizona.

Factors in Favor of Approving the Special Use

1. The project is consistent with goals and policies of the Comprehensive Plan and the purpose of the Zoning District;
2. The project complies or partially complies with five of the criteria used to evaluate special use requests;
3. Visually, the building is not out of scale or character for the area; and
4. The project is a small, locally owned business that would provide a service to area residents.

Factors Against Approving the Special Use

1. Conditions are recommended to help mitigate off-site impact concerns of neighbors/eight letters of opposition received;
2. Conditions are recommended to mitigate four factors used to evaluate special use requests (Project Traffic Circulation, Adequate Services and Infrastructure, Hazardous Materials, Offsite Impacts); and
3. Although the area is zoned rural, which permits some non-residential uses by right, the surroundings have developed primarily as a residential area.

VII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends **Conditional approval** of the Special Use request, subject to the following conditions*:

1. The applicant will be required to enter into a Private Maintenance Agreement to participate in the maintenance of the non-maintained roadway, American Dream Way, from the driveway of the subject parcel to the intersection of American Dream Way and Ranch Road per Zoning Regulation 1807.02, at the Commercial Permit phase;
2. Any fuels or other flammable materials related to the repair shop shall be stored in containers meeting National Fire Protection Standards;
3. All waste fuels, oils, or other potentially hazardous materials shall be disposed of per manufacturer’s guidelines or industry standards. No oils or solvents shall be discharged into the onsite septic system;
4. All activity associated with the special use shall only occur during the times stated on the application (Monday-Friday 9am-5pm); and
5. All small engine repair shall occur inside the designated metal building.

* Standard conditions related to acceptance of conditions, permitting timeframes, and modifications apply, and have not been modified by this request.

Sample Motion:

Mr. Chairman, I move to approve Docket SU-22-24 (War Performance), with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.