



# Cochise County

## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Susan Bronson, AICP, Planner  
**FOR:** Daniel Coxworth, AICP, Development Services Director  
**SUBJECT:** Docket SU22-31; Natoma Plant Nursery  
**DATE:** January 24, 2023, for the February 8, 2023 Meeting

### APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant, Mr. Brandon Collins, requests a Special Use Authorization for a commercial plant nursery in an RU-4 Zoning District. Plants will be displayed outdoors, and sales will be conducted under a tent canopy. Additionally, handmade products such as soaps and woodworking décor might be sold.

The project is located at 5715 South Natoma Trail, Sierra Vista, AZ. The property is also identified as Assessor Parcel Number 10477004C. It consists of approximately 4 acres.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

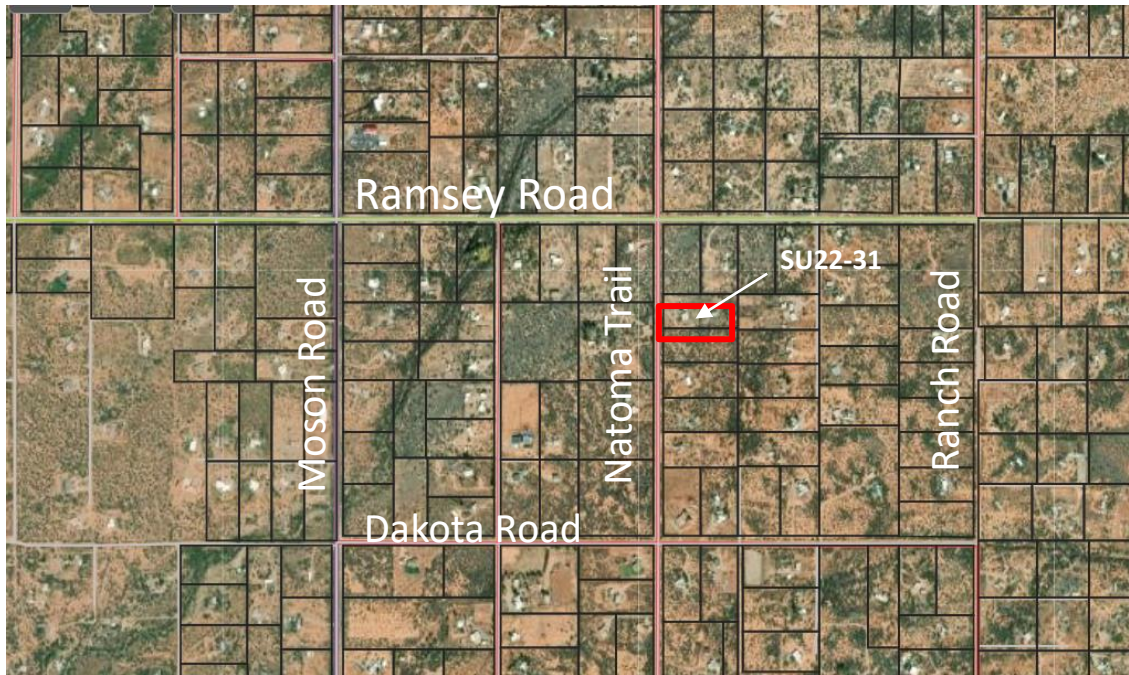
Parcel Size: 4 acres  
Current Zoning: RU-4 (Rural; one dwelling per 4 acres)  
Proposed Zoning: Same  
Growth Area: Category D  
Comprehensive Plan Designation: Rural Residential  
Area Plan: Sierra Vista Sub-Watershed  
Existing Uses: Residential  
Proposed Uses: Commercial Plant Nursery

### Zoning/Use of Surrounding Properties

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

### **Planning, Zoning and Building Safety**

1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
planningandzoning@cochise.az.gov



**II. PARCEL HISTORY**

No commercial permits or Special Use Permits have previously been issued on this property.

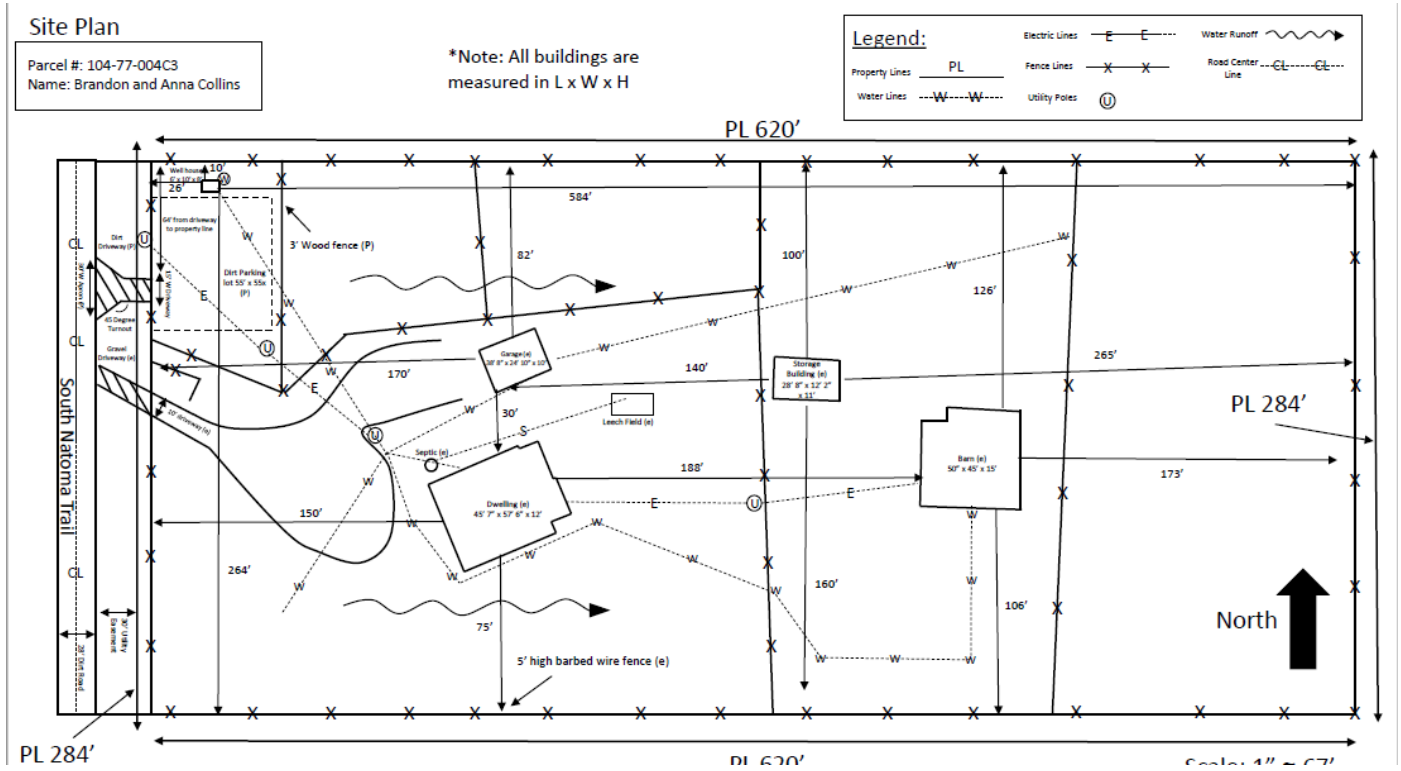
**III. NATURE OF REQUEST**

The Applicant requests Special Use Authorization for a commercial plant nursery. Additionally, handmade products such as soaps and woodworking décor might be sold.

No new construction is proposed. The plants and handmade goods will be displayed outdoors on the western side of the Applicant's four (4) acre parcel near its frontage on Natoma Trail. Sales will be conducted inside a canopy tent. The canopy tent will also be located on the western side of the parcel.

The Applicant proposed a new commercial driveway but a second access to the property was denied by the Cochise County Engineering and Natural Resources Department. Instead, the Applicant will be required to widen the existing driveway to meet commercial driveway standards.

Section 607.43 of the Cochise County Zoning Regulations specifies that a Special Use Authorization is required for a Commercial Plant Nursery in an RU Zoning District. A Commercial Plant Nursery is defined as a **"facility that includes small nurseries and garden centers that grow plants on limited acreage for strictly retail sales to the homeowner and to landscape contractors; and wholesale nurseries, which include contract propagators, contract growers, growers, and distributors of nursery stock for wholesale to other nurserymen, landscape contractors, and retail outlets."**



**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 evaluate whether the Special Use request complies with the Comprehensive Plan and the Zoning Regulations. The factors are also used to determine whether Conditions and/or Modifications are needed.

**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 the more densely populated parts of the County, such as power plants and feedlots.**

The proposed commercial Plant Nursery is consistent with the type and pattern of development envisioned for its location in the Comprehensive Plan. The Plant Nursery will provide plants and handmade goods for local residents. The use will be incidental to the primary use of the property, which is large lot rural residential.

The proposed use is also consistent with the **Rural Character** element of the Comprehensive Plan. The Rural Character Element goal is to **"provide for a continuation of traditional rural ways of life, such as farming, ranching, and other agricultural-related activities, and provide for diverse and viable economic and development opportunities that are consistent with the character of Cochise County's rural areas."**

The proposed use is an ag-related activity and provides a viable economic activity consistent with the area's rural character. The commercial plant nursery will provide fruiting plants, flowering plants, herbs, and vegetable plants to local residents on a small-scale basis.

## **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.**

Pursuant to 601.02, the plant nursery will provide a non-residential activity that serves local needs and is compatible with rural living.

## **3. Development along Major Streets: Not applicable**

This factor states "the development limits 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."

The project is not located along a major street. Therefore, the use will not create a road cut along a major street that creates unsafe traffic conflicts.

## **4. Traffic Circulation Factors: Does not Comply**

This factor provides:

- 1) The Special Use Authorization request is consistent with the preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.**

The Applicant proposed a second access onto Natoma Trail. The Engineering and Natural Resources Department denied the second access. A second access onto Natoma Trail would not be consistent with the preservation of the functions of surrounding streets.

- 2) The Special Use Authorization request does not result in the use of any residential street for non-residential traffic.**

The Commercial Plant Nursery will result in the use of a residential street for non-residential purposes. Plants will be sold on-site. The site is accessed from Natoma Trail which is classified as a Minor Access Local Road. Its surface type is 'native'. Therefore, the plant nursery will result in the use of a residential street for non-residential traffic.

- 3) Consideration of future circulation needs in the surrounding area has been considered through right-of-way dedication and off-site improvements if warranted.**

The proposed use will not generate a significant amount of traffic to warrant right-of-way dedication or off-site improvements.

## 5. Adequate Services and Infrastructure: Complies

The following factors are used to determine if there are adequate services and infrastructure to serve the Special Use Authorization request:

- 1) **The Applicant has provided adequate information to evaluate the impacts on roads, other infrastructure, and public facilities. The Applicant must demonstrate that there are adequate provisions to address the impacts identified; the Applicant shall provide data supporting the estimated traffic volume as part of the application.**

The Applicant provided an estimate as to the amount of traffic volume that will increase as a result of the Commercial Plant Nursery. Ten (10) to fifteen (15) vehicles are estimated to enter and leave the site on Fridays, Saturdays, and Sundays. The Commercial Plant Nursery's days of operation could possibly expand to seven (7) days a week in the future.

- 2) **If the site accesses a road where existing demonstrable traffic problems created by incremental development have already been identified, such as a high number of accidents, substandard road design or surface, or the road is near or over capacity. If so, the Applicant has proposed a method to address these problems.**

The site is directly accessed by South Natoma Trail. Demonstrable traffic problems do not exist.

- 3) **The proposed development meets or will meet the applicable requirements for street, sewer, or water improvements.**

The applicable reviewing agencies including Engineering and Environmental Health did not recommend that street, sewer, or water improvements be required for this Special Use Authorization.

- 4) **The site has access to streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by the use.**

Natoma Trail is a native surfaced road. However, the Applicant's property is the second parcel on South Natoma Trail from the intersection of South Natoma Trail and Ramsey Road. Therefore, the increased traffic will not impact the residents located south of his property. Also, East Ramsey Road is a paved County Collector Road that is designed and constructed to accommodate the volume of traffic generated by this use.

It is also possible to access the property from Dakota Road. Dakota Road is a Minor Access Local Road that is native surfaced. However, the Applicant estimates that only ten percent (10%) of the customers will access the site by Dakota Road. Ramsey Road is much more familiar to area residents and as a paved collector road is the logical choice between the two alternative routes.

## 6. Significant Site Development Standards: Complies if Requested Waiver is Granted

**This factor specifies that "the Special Use Authorization request adequately addresses the significant applicable site development standards, including development in or near a floodplain. The Applicant has requested and adequately justified, in writing, any requests for modifications or waivers from site development standards."**

This property is not located in a flood hazard area. The Special Use Authorization application was sent to the Engineering Department for Floodplain Review. This department did not request any mitigation measures or drainage requirements. In addition, since no buildings are proposed, setbacks, lot coverage, and height standards are inapplicable. The Applicant is not proposing to add outdoor lighting. If outdoor lighting is added in the future, it must be fully shielded and must comply with the Outdoor Lighting Regulations. No landscaping is required.

Screening is required under Section 604.05 of the Zoning Regulations but the Applicant has requested a waiver of this requirement. Specifically, 604.05 states **"In Category D (Rural) Areas, whenever a non-residential use abuts an area designated as Rural Residential (RR), the developed areas of the non-residential site shall be screened with a 6-foot-high solid screen..."** Because the use will be located on the west portion of the parcel that abuts Natoma Trail, the viewshed of the neighbors to the east will be minimally affected. The Applicant's residence and accessory structures are located on the eastern area of his parcel which will provide a buffer from the plant area. The parcel to the south is vacant. The parcel to the west does not abut the Applicant's parcel but rather is located across the street. Finally, the parcel to the north is developed on its eastern side and this area is not adjacent to the area where the plants will be sold. Therefore, the area where the plants will be located will not significantly affect the view of these neighbors.

#### **7. Public Input: Complies**

**This factor states "if there is major public opposition to a proposed Special Use Authorization request, this may indicate that the technical evaluation regarding the compatibility of the use does not concur with the view of residents, and a recommendation of denial may be appropriate. If public concerns have been raised, it is fair to ask if the Applicant has made a reasonable effort to address these concerns through the Citizen Review Process. If there is major public support for a proposed use, this may be a factor in favor of the request.**

The Applicant mailed letters to property owners within 300 feet of the property before submitting his application. The Development Services Department mailed letters to the same property owners within 300 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 one letter in support and one letter opposed to the Special Use Authorization request. The letter opposing the request cited increased traffic as an issue. The neighbor stated that the traffic would tear up the dirt access road, create safety issues for other neighbors riding their horses and walking their dogs along this road, and increase noise and light pollution.

#### **8. Hazardous Materials: Not applicable**

**This factor states "impacts from Special Use Authorization requests that may involve hazardous materials have been adequately mitigated."**

The proposed use will not generate Hazardous Materials.

#### **9. Off-Site Impacts: Complies**

**This factor requires that "adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights, or stormwater run-off.**

The proposed use will generate little to no off-site noise, odors, lights, or stormwater run-off. Because this use will be a small business operation and because the property is located relatively close to a paved County Collector Road, the increased traffic will not generate significant amounts of dust.

#### **10. Water Conservation: Complies**

**This factor states "the Special Use Authorization request shall incorporate water-saving measures that meet or exceed all Cochise County requirements included in the Comprehensive Plan, Strategic Plan, adopted area plan, Building Code, or Zoning Requirements. For each request, the applicant shall identify the source of the water being used, an estimate of water quantity required for the proposed use, water-use minimization measures to be implemented, water-recycling measures to be implemented, and any measures used to enhance onsite recharge.**

The proposed plant nursery is in the Sierra Vista Subwatershed plan area. The Plan's water conservation goals and policies have been incorporated in the Comprehensive Plan which, at a minimum, encourages water conservation Best Management Practices for new development. The applicant estimates that 30-50 gallons of water will be used daily. Annually, 18,000 gallons of water will be used. The Applicant proposes to use the following water conservation

measures: drip irrigation, bottom-watering plants, and a minimum of 500 gallons of rainwater storage. Non-consumable plants will be watered with the stored rainwater. To meet the water conservation requirements of the regulations, it is recommended that these conservation measures be included as conditions of approval.

**V. WAIVERS**

The Applicant requests a waiver of Section 604.05 which requires screening of the Special Use from abutting properties with a 6-foot-high solid screen. Because the use will be located on the western portion of the Applicant's parcel and the Applicant's residence and accessory structures are located on the eastern area of the parcel, the neighbors' views will be buffered from the proposed use. Additionally, the large four-acre size of the Applicant's parcel and the surrounding parcels mitigates the need to visually screen one use from another.



**VI. SUMMARY AND CONCLUSION**

This request is for a Special Use Authorization to allow a commercial plant nursery in an RU Zoning District on a four (4) acre parcel.

As referenced in the tables below, the Natoma Plant Nursery fully complies with four (4) of the ten (10) factors; will comply with two (2) additional factors if conditions are attached; does not fully comply with two factors; and two (2) factors are inapplicable.

Factors for a Special Use Authorization	Complies/Not applicable
Compliance with Duly Adopted Plans	Complies
Compliance with the Zoning District Purpose Section	Complies
Development along Major Streets	Not applicable
Adequate Services and Infrastructure	Complies
Significant Site Development Standards	Complies with Approval of Requested Waiver
Hazardous Materials	Not applicable
Off-Ste Impacts	Complies
Water Conservation	Complies if Conditions are Attached.

Factors against a Special Use Authorization	Does not Comply
Traffic Circulation Factors	Does not Comply (The SU will result in a residential street being used for non-residential traffic. The Engineering Department denied a second access onto Natoma Trail.)
Public Input	Does not Comply (A letter of opposition was received from a neighbor who cited concerns over increased traffic that would damage the dirt access road, create safety issues for neighbors riding their horses and walking their dogs along the access road, and increase noise and light pollution.)

**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. Additional access points onto Natoma Trail are prohibited.
2. The Applicant shall install and use a drip irrigation system for plant irrigation that will be designed, installed, maintained, and operated in a manner that will promote water conservation.
3. The drip irrigation system must include sensors or other technology designed to suspend or interrupt the operation of the irrigation system during periods of rainfall.
4. Plants shall be bottom-watered.
5. The Applicant shall install a rainwater harvesting tank(s) with a minimum capacity of 500 gallons. The collected rainwater shall be used to irrigate non-consumable plants as a means of offsetting the use of potable water.
6. Hours of operation may not exceed 8:00 a.m. to 6:00 p.m., Monday through Sunday.
7. Except during permitted hours of operation (8:00 a.m. to 6:00 p.m.), outdoor lighting of the parking area and display/sales area is prohibited.

**WAIVER:**

8. The screening requirement pursuant to Section 604.5 of the Cochise County Zoning Regulations shall be waived.

**Sample Motion:**

**Mr. Chairman, I move to approve Special Use Docket SU22-31 located on parcel 104-77-004C with the Conditions of Approval recommended by staff. The Factors in Favor of Approval constitute the Findings of Fact.**