



MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Christine McLachlan, AICP, Planner II
FOR: Daniel Coxworth AICP, Development Services Director
SUBJECT: SU 23-01 (Omphalos Wine Tasting), Application for a Special Use Authorization
DATE: January 31, 2023, for the February 8, 2023, Meeting

Docket SU 23-01 (Omphalos Wine Tasting)

The applicant, Thomas Messier, requests Special Use Authorization to operate an off-site wine tasting room and small agricultural processing facility on a 20-acre parcel in unincorporated Willcox, Arizona. The establishment of an off-site winery tasting room (607.13) and agricultural processing with less than a 300-foot minimum setback (607.38) is subject to Special Use Authorization from the Planning and Zoning Commission in a rural zoning district. The proposed business, located on parcel 305-55-024B/6107 East Cattle Drive Willcox, AZ, where indicated on the location map. Currently the subject parcel has a 480 SF building, which is proposed to be converted into space for wine making (agricultural processing) and an off-site wine tasting room. The applicant intends to plant grapevines on the property. In the near-term, the applicant intends on purchasing locally grown grapes for wine production until the vines are established. Wine processing will occur on this site as well as a separate facility that is not a part of this application.

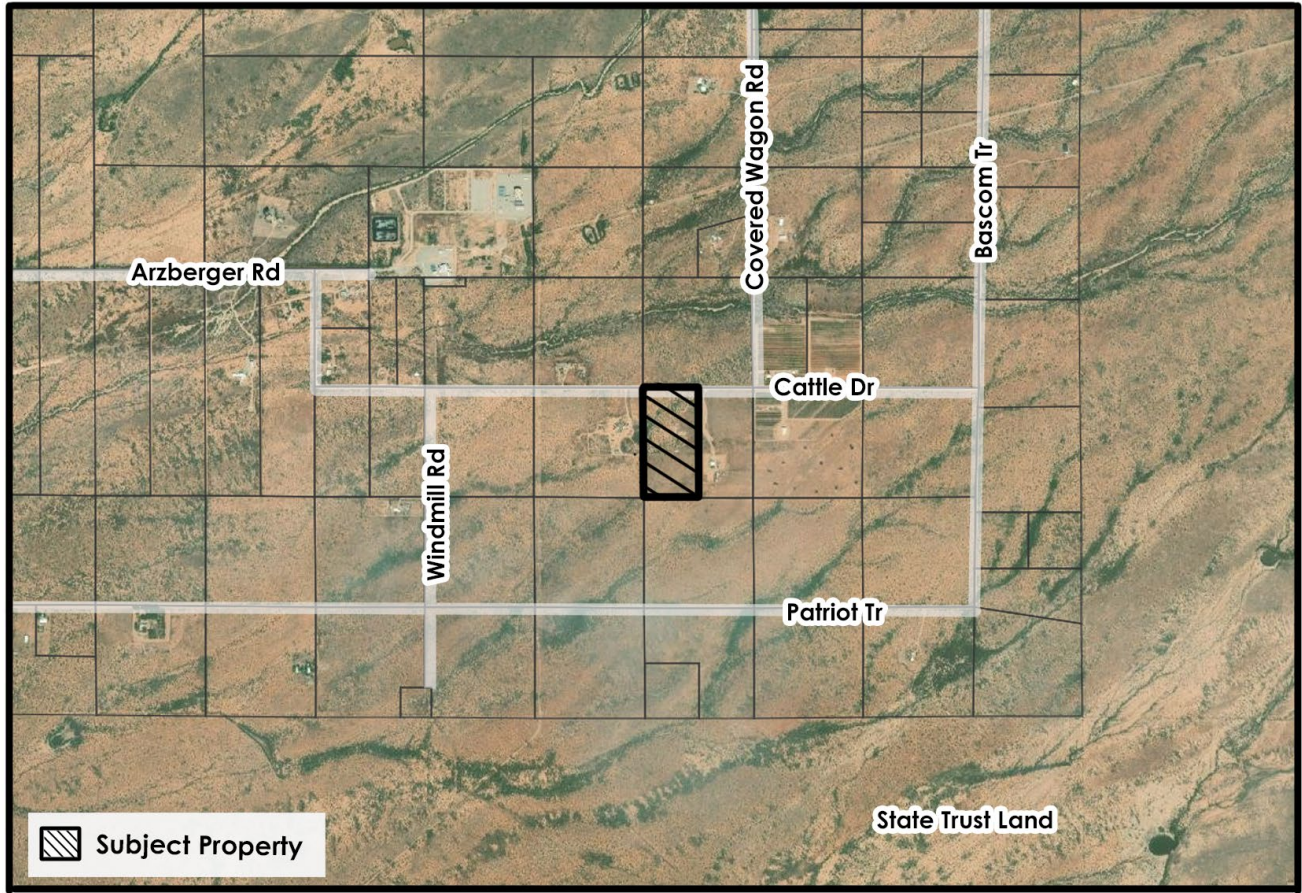
I. Description of Subject Parcel and Surrounding Uses

Parcel Size: 20-acres
Current Zoning: RU-10 (Rural; one dwelling per 10 acres)
Proposed Zoning: Same
Growth Area: Category D
Comprehensive Plan Designation: Rural
Area Plan: None
Existing Uses: 480 SF building to be used for proposed use
Proposed Uses: Wine tasting room and agricultural processing

Surrounding Zoning and Uses (See Figure 2)

<i>Relation to Subject Parcel</i>	<i>Zoning District</i>	<i>Use of Property</i>
North	RU-10	Undeveloped
South	RU-10	Undeveloped
East	RU-10	Residential
West	RU-10	Residential

Figure 1: Location Map



Location
 SU 23-01 Omphalos Wine Tasting



II. SITE HISTORY

- 4/2021: 480 SF structure (residential opt-out permit)
- 8/2022: Food establishment license granted
- 12/2022: Electrical and plumbing added to structure

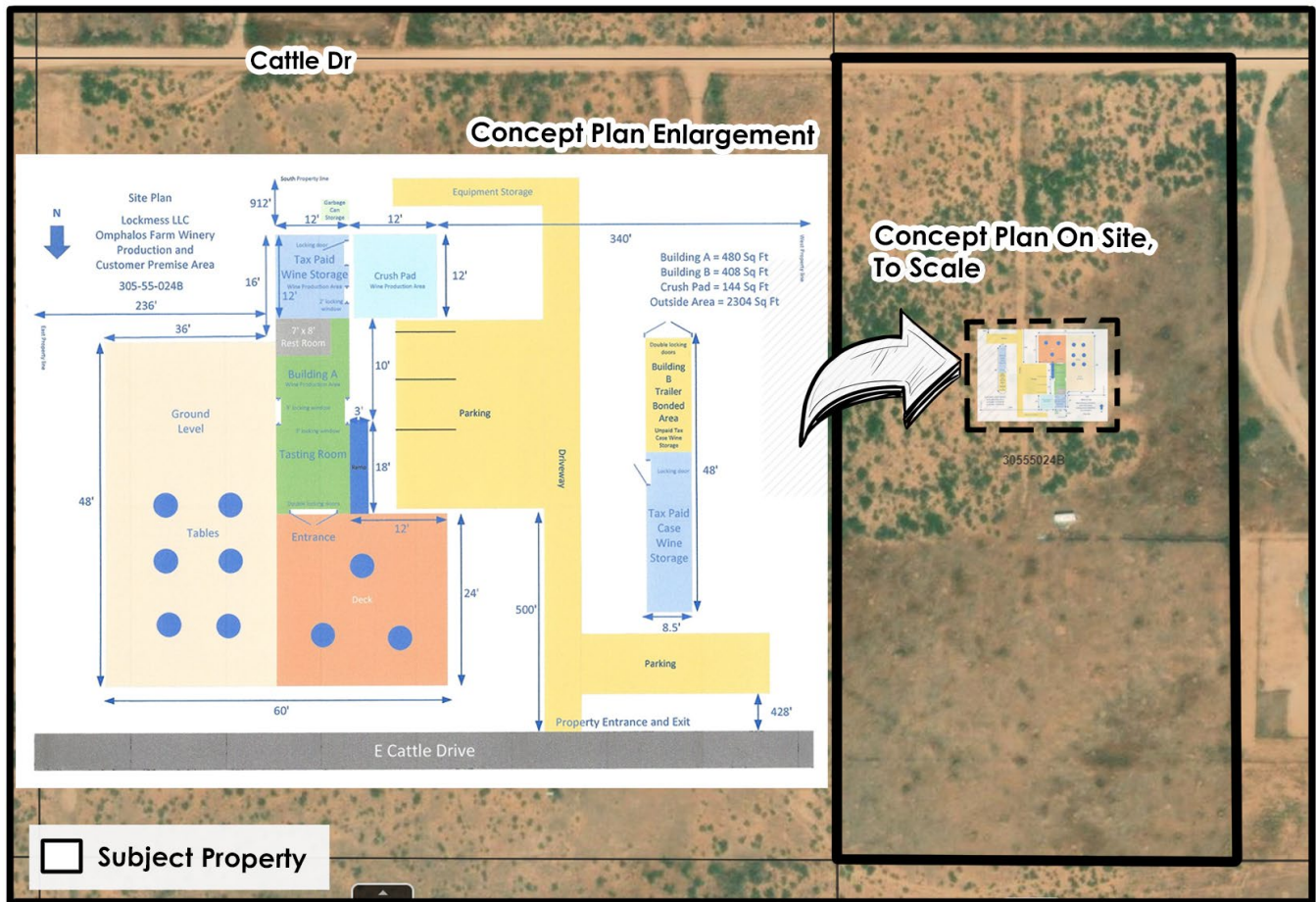
The applicant was issued a rural residential owner-builder (no inspection) permit for a 480 SF structure in April of 2022. The applicant applied for a commercial building permit in December. The applicant was informed by staff that a special use authorization was required first, and the building permit was put on hold, pending the outcome of this request.

III. REQUEST DESCRIPTION

The applicant, Thomas Messier, requests Special Use Authorization to operate an off-site wine tasting room and small agricultural processing facility on a 20-acre parcel in unincorporated Willcox, Arizona. The establishment of an off-site winery tasting room (607.13) and agricultural processing with less than a 300-foot minimum setback (607.38) is subject to Special Use Authorization from the Planning and Zoning Commission in a rural zoning

district. The proposed business, located on parcel 305-55-024B/6107 East Cattle Drive Willcox, AZ, where indicated on the location map. Currently the subject parcel has a 480 SF building, which is proposed to be converted into space for wine making (agricultural production) and an off-site wine tasting room. The applicant intends to plant grapevines on the property. In the near-term, the applicant intends on purchasing locally grown grapes for wine production until the vines are established. Wine processing will occur on this site as well as a separate facility that is not a part of this application. There is a 236' foot setback from the location of the processing to the nearest property line on the eastern portion of the site.

Figure 2: Concept Plan



Concept Plan
 SU 23-01 Omphalos Wine Tasting



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 seven factors and complies with conditions or waivers on two 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, Land Use, and Agriculture/Ranching Elements. Specifically, the following goals are supported by this request:

- Agriculture and Ranching Element Goal: "Protect and promote the agricultural economy of Cochise County, its agricultural and ranching lands, and related land uses."
- Economic Development Element Goal (1): "Support the preservation and expansion of the Cochise County's tourism, technology, agriculture, security, renewable energy, and transportation sectors."
- Land Use Element Goal: "Development should occur in a manner that preserves open space, agricultural and ranching resources, and existing historical sites which may include: wildlife corridors; hydrologic recharge areas; floodplains; geologic features; historic, archaeological, or cultural resources; or arable soils."

There is no Area Plan for the area. It is also outside of the Douglas Active Management Area for water management.

2. Compliance with the Zoning District Purpose Statement: Complies

The property is zoned RU-10, which is rural zoning, one dwelling per ten 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;

601.03 To preserve the agricultural character of those portions of the County capable of resource production.

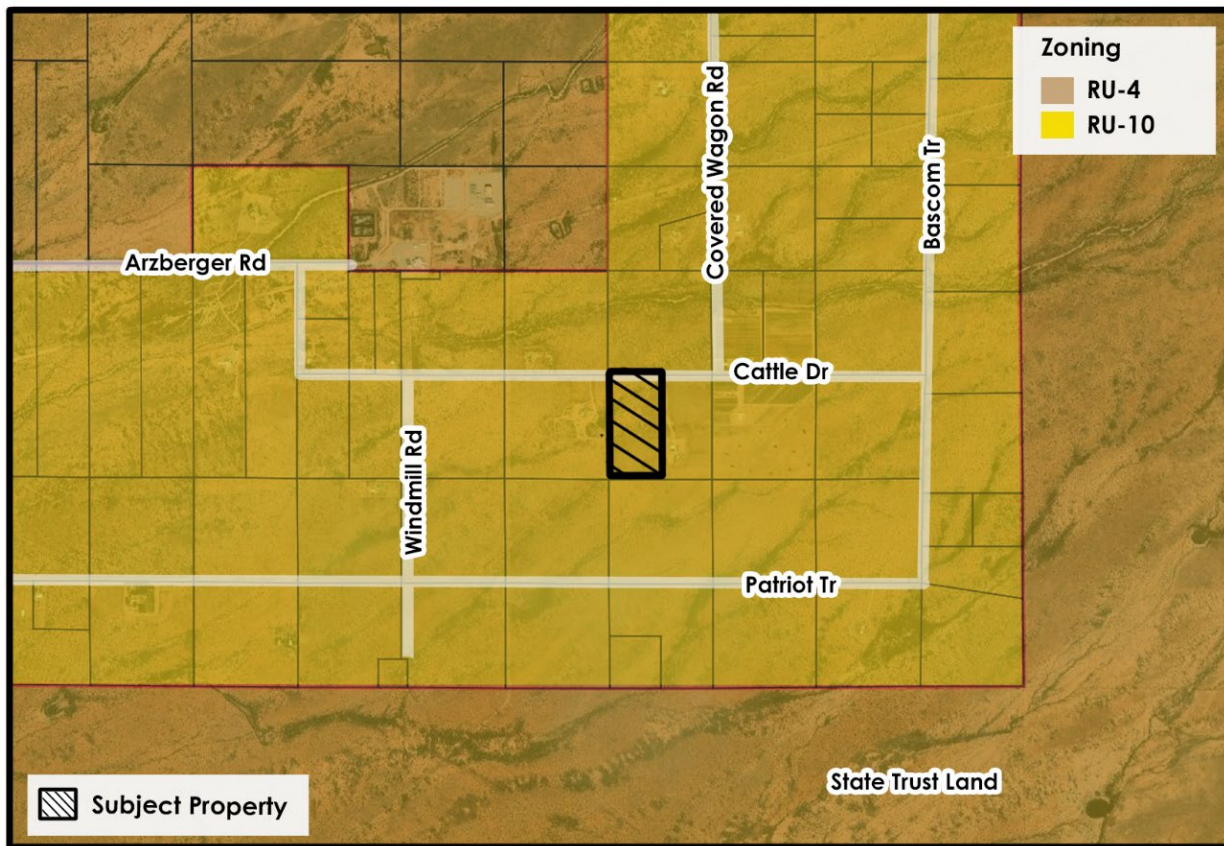
601.04 To provide space for people, minimize traffic congestion, and preserve the existing rural environment of unincorporated areas of the County situated outside of existing communities;

601.05 To provide recreational support services that are compatible with rural living.

601.07 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 winery with wine tasting on a rural parcel. 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 will serve nearby residents as well as a larger audience attracted to Arizona's premier winemaking region.

Figure 3: Zoning



Zoning
 SU 23-01 Omphalos Wine Tasting



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 Cattle Drive, which is a local, dirt, county-maintained road.

4. Traffic Circulation Factors: Complies

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 a mix of scattered low-density residential use, vacant land, and agricultural use including other wineries. Also, El Paso Natural Gas operates a business approximately one mile northwest on a 60-acre parcel. Given the eclectic existing mix of uses present, staff does not feel Cattle Drive is a residential road and the request complies with this factor.

5. Adequate Services and Infrastructure: Complies

The property was purchased by the applicant in 2018. It remains mostly undeveloped. According to the application, the following existing structures are present:

“Currently there is a structure and storage unit on the property. The structure is a 12 by 40 foot wood framed 480 square foot building. This will be a wine making and tasting room location for consumer sales. The storage unit is a 408 square foot trailer. This will contain wine storage and other related winery and vineyard items.” An additional 2,304 SF is shown as outdoor area, which includes 720 SF of decking, with the remaining 1,584 SF at grade. The outdoor area will have tables for customers.

The site also has a well, septic system, and electrical service. The actual proposed building will provide a small onsite footprint, given the 20-acre size of the parcel.

6. Significant Site Development Standards: Complies with waivers

The County does not have site development standards that specific for off-site tasting rooms. 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-10 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 per 50-square feet of floor area, excluding areas designed for restrooms, storage, service, or other non-public purposes.” For the proposed 280 SF of indoor area and 2,304 SF of outdoor area, 51 parking spaces is required. 50% parking reduction waiver requested.
- Parking and Loading Area Improvements: “Except as noted below, every parking and loading area and all driveways for all sites in Category C (Rural Community Growth) Areas and Category D Areas shall be improved with a two-inch thick gravel surface or with an equivalent or better surface.” The parcel is served by a dirt, county-maintained road. The existing driveway is 428 feet long. This is proposed to serve the future winery and tasting room. The area is not in a flood hazard zone and hard packed dirt is the standard material in the area.
- The proposed use complies, and/or will comply, with all site development standards for RU-10 zoning, including maximum site coverage, screening, setbacks, and distance between structures.

Waiver request 1: The applicant requests a 50% reduction in the required parking (1804.05)

Waiver request 2: The applicant requests a waiver of the 2” thick gravel surface for the driveway and parking area (1804.07.D).



7. Public Input: Complies

See Section IV. Public Comment for additional discussion. Two letters in support from an adjacent property owner were received.

8. Hazardous Materials: Complies

No hazardous materials are proposed, however there is the potential for employee exposure to harmful levels of carbon dioxide during the fermentation process. The site plan indicates several windows in the wine production building. Adequate ventilation and employee training, to recognize symptoms of overexposure, are recommended, but not conditioned.

9. Off-Site Impacts: Complies with condition

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,

- Outdoor activity: "There will be vineyard farm activities (planting, pruning, harvesting) involving a tractor, UTV, and pick up trucks with trailers. The winery/tasting room will have outdoor tables and chairs for customer use. Outdoor storage of farm equipment will be needed on the southern side of the property." The southern side of the property is furthest from the road and is adjacent to a vacant parcel.
- No odors or on-site activities that attract pests are anticipated
- No outdoor lighting is proposed, and hours of operation are limited to day hours
- Hours of operation are limited to Saturday and Sunday 11am-6pm
- Two employees are anticipated, in the future an additional two employees are anticipated
- "Trucks will arrive occasionally during the day time hours in March and April for equipment deliveries, and potentially in August through October for grape deliveries. These are once a spring season equipment deliveries and probably potentially twice a week for grape deliveries." Application, page 5

Special events, including weddings, concerts and other promotional events are frequent with this type of use. These events can cause offsite impacts, largely in the form of noise. Consequently, staff recommends the following condition to safeguard against excessive noise:

Condition: It is unlawful for any person to make, allow, enable or create unreasonable noise, with intent to disturb the peace or quiet of a reasonable person of ordinary sensibilities, and with knowledge of doing so. Unreasonable noise means noise that a reasonable person of normal sensibilities would find excessive when heard at the property line of an adjacent residential property.

10. Water Conservation: Complies

The property is served by a private well. The applicant proposes growing five acres of grapevines onsite at total build out. The applicant estimates that the use will require 1,588 gallons of water per day/579,620 gallons per year. This includes the future agricultural use of the site, where indicated on the application. Grapes require less water compared to crops such as alfalfa or corn and have greater potential economic return.

VI. PUBLIC COMMENT

The applicant mailed letters to property owners within 1,000 feet of the property prior to application submittal and received no written responses. The case planner mailed letters to the same property owners within 1,000 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 two letters in support from the property owners, and fellow winery owner, directly adjacent to the east of the subject parcel (APN 305-55-023), and property owner APN 30555045 to the southwest of the parcel. No letters of opposition were received.

VII. WAIVERS

Waiver request 1: The applicant requests a 50% reduction in the required parking (1804.05)

Waiver request 2: The applicant requests a waiver of the 2" thick gravel surface for the driveway and parking area (1804.07.D).

VI. SUMMARY AND CONCLUSION

This is a Special Use Authorization to operate an off-site wine tasting room and small agricultural processing facility on a 20-acre parcel in unincorporated Willcox, 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 with seven of the criteria used to evaluate special use requests;
3. The property is within the greater Willcox wine area. Its approval would support the growth of the County's wine profile and increase agritourism;
4. The project is a locally owned business that would provide food and recreation to area residents; and
5. No letters of opposition received, two letters of support received.

Factors Against Approving the Special Use

None identified

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. It is unlawful for any person to make, allow, enable or create unreasonable noise, with intent to disturb the peace or quiet of a reasonable person of ordinary sensibilities, and with knowledge of doing so. Unreasonable noise means noise that a reasonable person of normal sensibilities would find excessive when heard at the property line of an adjacent residential property;
2. The commission grants a 50% reduction to the amount of off-street parking required for the use (Section 1804.05, Zoning Regulations); and
3. The commission grants a waiver of the requirement for a 2" thick gravel surface requirement for the driveway and parking area (1804.07, Zoning Regulations)

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

Sample Motion:

Madam Chair, I move to approve Docket SU-23-01 (Omphalos Wine Tasting), with the Conditions of Approval recommended by staff; the Factors of Approval constituting Findings of Fact.