



MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth AICP, Development Services Director
SUBJECT: SU22-34 (181 Solar) Application for a Special Use Authorization
DATE: February 1, for the February 8, 2023 Meeting

Docket SU22-34 (181 Solar)

The Applicants, Mr. Bruce and Ms. Diana Hamberger requests a Special Use Authorization to approve construction of an approximately 2,800 square foot metal building and an approximately 1,300 square foot attached covered parking and storage for a contract construction business.

The project is located at 9797 E. Highway 181, Pearce Arizona. The property is also identified as Assessor Parcel Number 401-82-002F consisting of approximately 10 acres (Only 2 acres will be used for the Special Use).

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Site Size: 10 Acres total, 2 for Special Use
APN: 401-82-002F
Zoning: RU-4 (Rural, 4-acres minimum parcel)
Growth Area: Category D
Plan Designation: Rural
Area Plan: None
Existing Uses: Single Family Residence
Proposed Uses: Same, with 3,100 square foot structure for a solar business



Surrounding Zoning and Uses

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

II. SITE HISTORY

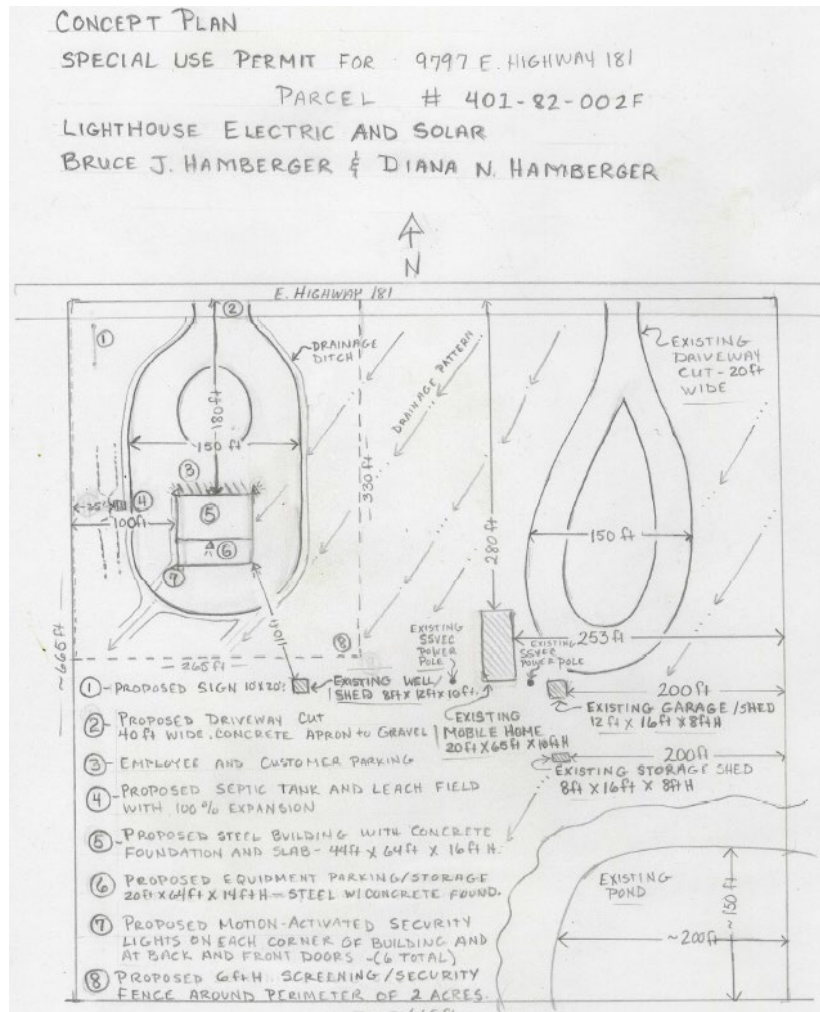
Residence built in the 1960s.

III. REQUEST DESCRIPTION

The Applicants, Mr. Bruce and Ms. Diana Hamberger requests a Special Use Authorization to approve construction of an approximately 2,800 square foot metal build and an approximately 1,300 square foot covered parking and storage area to accommodate a contract construction business.

The Applicants have been running a solar and electrical contracting business (contract construction services) from their residence since 2006. The business has outgrown the parameters of a Home Occupation and the applicants are seeking approval to build a larger building on Highway 181.

Section 607.14 allows Contract Construction Services with approval of a Special Use. Contract Construction service is defined as *those services directly related to contract construction, including the indoor and/or outdoor storage of the necessary equipment and accessory fabrication. These include but are not limited to general contractor construction, plumbing, heating, air conditioning, painting, paper hanging and decorating, electrical, masonry, stonework, tile setting, plastering, carpentry, roofing, landscaping, and concrete.*



IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS

Section 1716.02 of the Zoning Regulations provides a list of ten factors 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 and to determine what Conditions and/or Modifications may be needed.

With the information provided, ten (10) factors apply to this request. The project, as submitted, fully complies with eight (8) of the factors and with the requested modifications the remaining factor.

1. Compliance with Duly Adopted Plans: Complies

The project site is located in Category D, Rural. These areas are specifically not designated as rural residential because of sparse population, larger lot size, and grazing. It can also include areas that have developed or undeveloped recreational resources. This area meets all of that criteria.

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...*

Goal 1. 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 project is located in a rural, sparsely populated area with agricultural activities in the vicinity. The proposed building and use are small in scale and is compatible with the Goals and Policies of the Comprehensive 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.

The proposed structure and use is consistent and compatible with the rural zoning district, specifically 601.01 and 02. The proposed structure is compatible in size as similar surrounding properties and the use provides a local service while remaining compatible with the rural living.



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3. Development along Major Streets: Complies

This factor seeks to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials. The property takes access off SR181. The Docket was transmitted to ADOT, and they commented that an Encroachment Permit is required for improvements. It is also likely that a paved apron will be required, and an accompanying traffic plan approved by ADOT.

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 site has direct access to SR181 and once the apron is constructed to ADOT standards they will have no concerns.

5. Adequate Services and Infrastructure: Complies

The site has an existing well and electric by SSVEC. A septic system will be installed to handle waste discharge and a propane tank for gas. SR181 is adequate to handle the modest increase in traffic that the use will add.

6. Significant Site Development Standards: Complies

Site Plan:

Only 2 acres of the 10 acres will be dedicated to the Special Use. The site plan depicts a 2,800 square foot building and an attached 1,300 square foot carport. A circular driveway is provided around the building.

Setbacks:

The site plan shows the structure will be in excess of 100 feet from all property lines. Only, 20 feet is required. The carport and material storage are located in the rear out of site from SR181.

Lot Coverage:

The residential Land Use district restricts lot coverage to a maximum of 25%. As proposed, less than 2% is proposed to be covered with impervious surfaces.

Height:

The RU-4 allows for a height of up to 30 feet. Fencing shall be less than eight (8) feet. The applicant is proposing a 6-foot highway fence and 14-foot-tall building.

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 by code.



7. Public Input: Complies

The applicant mailed letters to property owners within 1,000 feet of the property prior to application submittal.

The Planning Department 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 a legal notice on the property. To date, staff has received two (2) letters in support and non in opposition.

8. Hazardous Materials: Complies

The Applicant states that the use of hazardous materials is not anticipated on site. Battery storage will be in compliance with industry standards.

9. Off-Site Impacts: Complies

Major off-site impacts could include temporary construction traffic, dust, and long-term dust, noise, and visual impacts. The project is small in scale, support by the neighbors and no significant impacts are anticipated.

10. Water Conservation: Complies

The applicant is estimating approximately 25,000 gallons of water used per year. The applicant will make efforts to conserve water including using rainwater catchment, if landscaping if provided it will be drought tolerant

V. WAIVERS

None requested.

VI. SUMMARY AND CONCLUSION

This request is for a Special Use authorization to approve a contract construction business.

Factors in Favor of Approving the Special Use

1. The project complies ten of the ten criteria used to evaluate special use requests; and
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: ...entrepreneurship is 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. Two letter of support were received.

Factors Against Approving the Special Use

1. None identified.

VII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends **approval** of the Special Use request.

Sample Motion:

Madam Chair, I move to approve Docket SU22-34 (181 Solar), on parcel 401-82-002F; the Factors of Approval constituting Findings of Fact.