



# 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 SU23-03; CM Contract Construction  
**DATE:** February 24 for the March 8, 2023 Meeting

### APPLICATION FOR A SPECIAL USE AUTHORIZATION

The Applicant, Mr. Caleb Malboeuf, requests a Special Use Authorization for a Contract Construction Business in an R-36 Zoning District. The business will be operated on-site and includes an 8,000 square foot metal storage building.

The project is located at 1778 E. Ramsey Road, Benson, AZ. The property is also identified as Assessor Parcel Number 123-30-005C. It consists of approximately 10 acres.

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

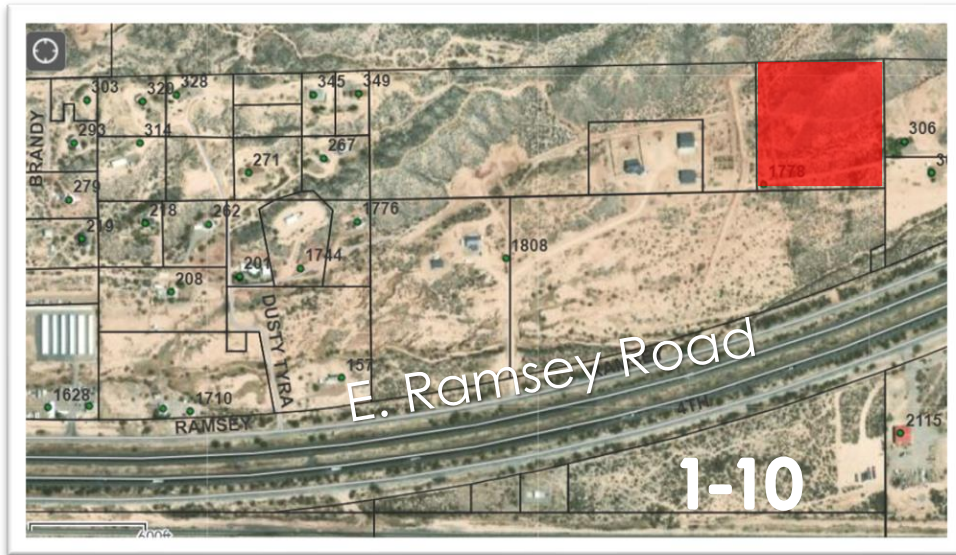
Parcel Size: 10 acres  
Current Zoning: R-36 (Residential; 36,000 square feet minimum site area)  
Proposed Zoning: Same  
Growth Area: Category D  
Comprehensive Plan Designation: Rural  
Area Plan: N/A  
Existing Uses: Contract Construction Services  
Proposed Uses: Contract Construction Services

### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Vacant land
South	R-36	Vacant land
East	RU-4	Residential
West	R-36	Residential

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

1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
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planningandzoning@cochise.az.gov



Vicinity Map

**II. PARCEL HISTORY**

Building permit BP22-000500 was issued for the metal building. No Special Use Permits have previously been issued on this property.

**III. NATURE OF REQUEST**

The Applicant requests Special Use Authorization to conduct Contract Construction Services on a ten (10) acre parcel in Benson, Arizona. The business will be operated on-site out of an 8,000 square foot metal building. The hours of operation will be Monday through Friday from 7:00 a.m. to 4:00 p.m. There will be a maximum of five (5) employees.

Section 707.16 of the Cochise County Zoning Regulations specifies that a Special Use Authorization is required for a Contract Construction Services business in an R-36 Zoning District. Contract Construction Services are 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."**



### **3. Development along Major Streets: Complies**

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 Contract Construction Services will be accessed from a frontage road within the Arizona Department of Transportation's jurisdiction. ADOT was consulted regarding the proposed use. ADOT did not oppose or request improvements to the access point along the frontage road.

### **4. Traffic Circulation Factors: Not Applicable**

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.**
- 2) **The Special Use Authorization request does not result in the use of any 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 Contract Construction Services business is accessed from a frontage road within the Arizona Department of Transportation's jurisdiction. Cochise County does not have jurisdiction over the proposed use's access road.

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

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

### **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.

**Section 1804.07 of the Site Development Standards states “Category C (Rural Community Growth) and D (Rural) areas: 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 approved by the County Zoning Inspector and shall be properly drained to prevent impoundment of water.” Section 1804.08 states “areas of a site reserved or used for the outdoor storage and/or display of vehicles, materials, or equipment shall be improved with at least a dust-free, gravel surface or with an equivalent or better surface approved by the County Zoning Inspector.”**

The Applicant requests waivers of the required improvements to these parking and equipment storage areas. The waiver states “I would like to request a waiver of the requirement to put gravel down in our construction yard at 1778 E. Ramsey Road. This would be extremely cost prohibitive. I would also like to note, our yard is already capped with 4” of decomposed granite soil which creates a hard packed surface with very little to zero dust even in the driest weather.”

The Contract Construction Services business meets setback, maximum site coverage, and distance between building requirements. The lighting on the metal building is shielded. The Arizona Game and Fish Department requested that the lighting be equipped with a motion sensor. The Applicant has agreed to this request. The Arizona Game and Fish made additional requests including that the Applicant clean his equipment before and after leaving the site. The Applicant stated that this would be unduly burdensome. Since the requests are not requirements of the Zoning Regulations, they are not included as recommended Conditions of Approval but are included as an attachment for reference.

**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 property owners within 900 feet of the subject property; published a legal ad in the *Sierra Vista Herald*; and posted a legal notice on the property. To date, neither the Applicant nor staff have received public input regarding the proposed Special Use Authorization.

**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, dust, lights, or stormwater run-off.

**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 Contract Construction Services business is not a water-intensive business.

**V. WAIVERS**

The Applicant requests a waiver of Section 1804.07 and 1804.08 which requires 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 approved by the County Zoning Inspector and shall be properly drained to prevent impoundment of water” and “areas of a site reserved or used for the outdoor storage and/or display of vehicles, materials, or equipment shall be improved with at least a dust-free, gravel surface or with an equivalent or better surface approved by the County Zoning Inspector.

The Applicant stated that complying with these requirements will be cost-prohibitive and that “our yard is already capped with 4” of decomposed granite soil which creates a hard packed surface with very little to zero dust even in the driest weather.”

**VI. SUMMARY AND CONCLUSION**

This request is for a Special Use Authorization to allow a Contract Construction Services business to be conducted in an R-36 Zoning District on a ten (10) acre parcel.

As referenced in the tables below, the Contract Construction Services business fully complies with six (6) of the ten (10) factors; will comply with one factor if the requested waiver is granted; does not comply with one factor; and two (2) factors are inapplicable.

<b>Factors for a Special Use Authorization</b>	<b>Complies/Not applicable</b>
Compliance with Duly Adopted Plans	Complies
Development along Major Streets	Complies
Traffic Circulation	Not applicable
Adequate Services and Infrastructure	Complies
Significant Site Development Standards	Complies with Approval of Requested Waiver
Public Input	Complies
Hazardous Materials	Not applicable
Off-Ste Impacts	Complies
Water Conservation	Complies

<b>Factors against a Special Use Authorization</b>	<b>Does not Comply</b>
Zoning Purpose Section	Does not Comply (The proposed use is not a residential use as expressed in the Zoning Purpose section.)

**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. In addition to complying with Article 16 (Light Pollution) of the Zoning Regulations, a motion sensor device shall be installed on building-mounted lighting.

**WAIVER:**

2. The surface improvement requirements for the parking and outdoor storage areas pursuant to Section 1804.07 and 1804.08 of the Cochise County Zoning Regulations shall be waived.

**Sample Motion:**

**Mr. Chairman, I move to approve Special Use Docket SU23-03 located on parcel 123-30-005C with the Conditions of Approval recommended by staff. The Factors in Favor of Approval constitute the Findings of Fact.**