



MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Christine McLachlan, AICP, Planning Division Manager
FOR: Daniel Coxworth AICP, Development Services Director
SUBJECT: SU 23-09 (Buffalo Contract Construction), Application for a Special Use Authorization
DATE: May 2, 2023, for the May 10, 2023, Meeting

Docket SU 23-09 (Buffalo Contract Construction)

The applicant, Josue Flores Zambrano, requests Special Use Authorization to operate a contract construction business on a 19.1-acre parcel (APN 106-06-019A) in unincorporated Cochise, Arizona. The establishment of a contract construction business (607.14) is subject to Special Use Authorization from the Planning and Zoning Commission in a rural zoning district. The business will be co-located on a parcel with a 600 sq ft home and a 3225 SF shop. Specifically, the applicant requests the use of approximately 20,000 SF (0.45 acres) of the parcel for the offsite parking and storage of San Pedro Valley sanitation vehicles and dumpsters. The property is physically located at 375 W. Buffalo Ln, Huachuca City, AZ 85616, where indicated on the location map.

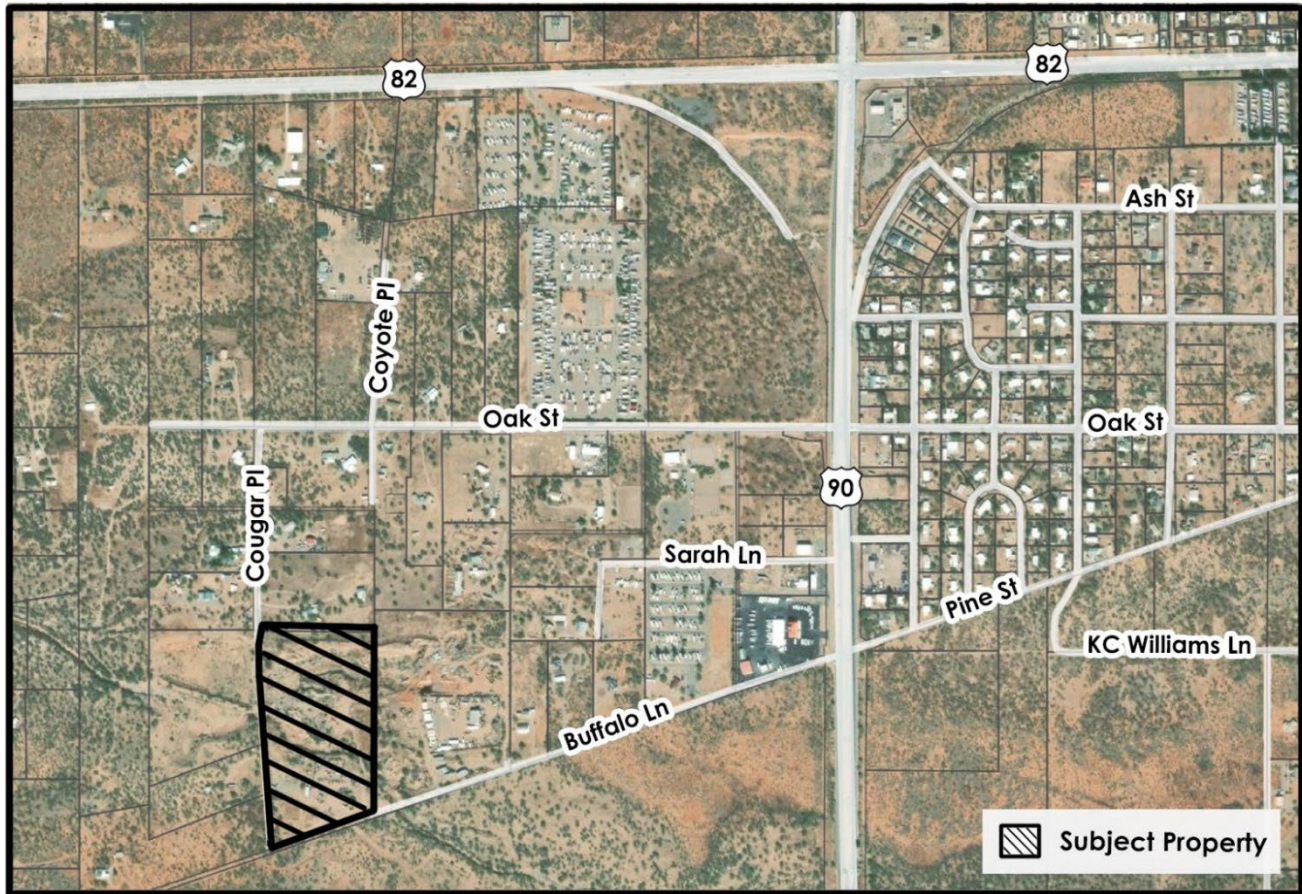
I. Description of Subject Parcel and Surrounding Uses

Parcel Size: 19.1-acres
Current Zoning: RU-4 (Rural; one dwelling per 4 acres)
Proposed Zoning: Same
Growth Area: Category B
Comprehensive Plan Designation: Developing
Area Plan: None
Existing Uses: Residential with accessory structures
Proposed Uses: Residential with offsite parking and storage for a local sanitation company

Surrounding Zoning and Uses (See Figure 3)

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

Figure 1: Location Map



Location
SU 23-09 Buffalo Contract Construction



II. SITE HISTORY

- 9/2022: Vehicles, tires, wood, metal, and trash code compliance case opened (July hearing)
- 9/2017: Current owner/applicant purchases property
- 10/2006: Zoning reverted from Heavy Industry (HI) to Rural (RU-4)
- 12/2004: Auto dismantling operation zoning violation
- 5/1999: Illegal dumping zoning violation

This site has been the subject of code enforcement action over the years. In 2006, the previous owner, who still owns the parcel to the immediate east, stated he intended to sell the parcel to a new owner, and he consented to a County-initiated zoning reversion from LI to RU-4. Since 2006, the property has changed hands a few times. In 2017, it was purchased by the current owner/special use applicant. While there is still an open code enforcement violation on the property, the scope of this application is limited to a narrowed activity (contract construction) on a specific portion of the lot (where indicated on the concept plan).

III. REQUEST DESCRIPTION

The applicant, Josue Flores Zambrano, requests Special Use Authorization to operate contract construction services. This use is defined by zoning as follows: "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."

Figure 2: Site Plan



Site Plan
SU 23-09 Buffalo Contract Construction



According to the application, Mr. Zambrano wishes to allow two San Pedro Valley Sanitation roll off trucks and dumpsters to park on his property, in the location indicated on the site plan. The locally-owned sanitation company runs their business of their St. David office at 78 W. Patton St, David AZ 85630, but for their logistical convenience would like to park their equipment on Mr. Zambrano's property. San Pedro Valley Sanitation offers trash collection to parts of Cochise County. The company services Benson, St David, Tombstone, parts of Sierra Vista, Hereford, and Palominas. The company also provides roll off service for all of Cochise County. No trash shall be stored on the property.

The establishment of a contract construction 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 106-06-019A, is at 375 W Buffalo Lane in unincorporated Huachuca City, where indicated on the location map. The property currently has a 600 sq ft home & a 3225 sq ft shop, which will remain. The proposed Special use area is a 0.45-acre area on the southeastern portion of the site immediately adjacent to the Buffalo Lane easement.

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, eight of the ten factors apply to this request. The Project, as submitted, fully complies with five factors and complies with conditions/waiver on the remaining applicable three factors. The development along major streets factor and hazardous material factors do 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.” San Pedro Sanitation is a small, locally owned business that serves the residents of Cochise County. Having smaller locations to store a limited number of roll-offs and trucks near Sierra Vista, which is the population center of Cochise County, helps serve this business.

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, with the exception of the parcel to the east, which is zoned Light Industry (LI). As stated in Section 601 (Purpose) of the zoning regulations: RU (Rural) Zoning Districts are established to achieve the following purposes (relevant statements cited):

601.02 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;

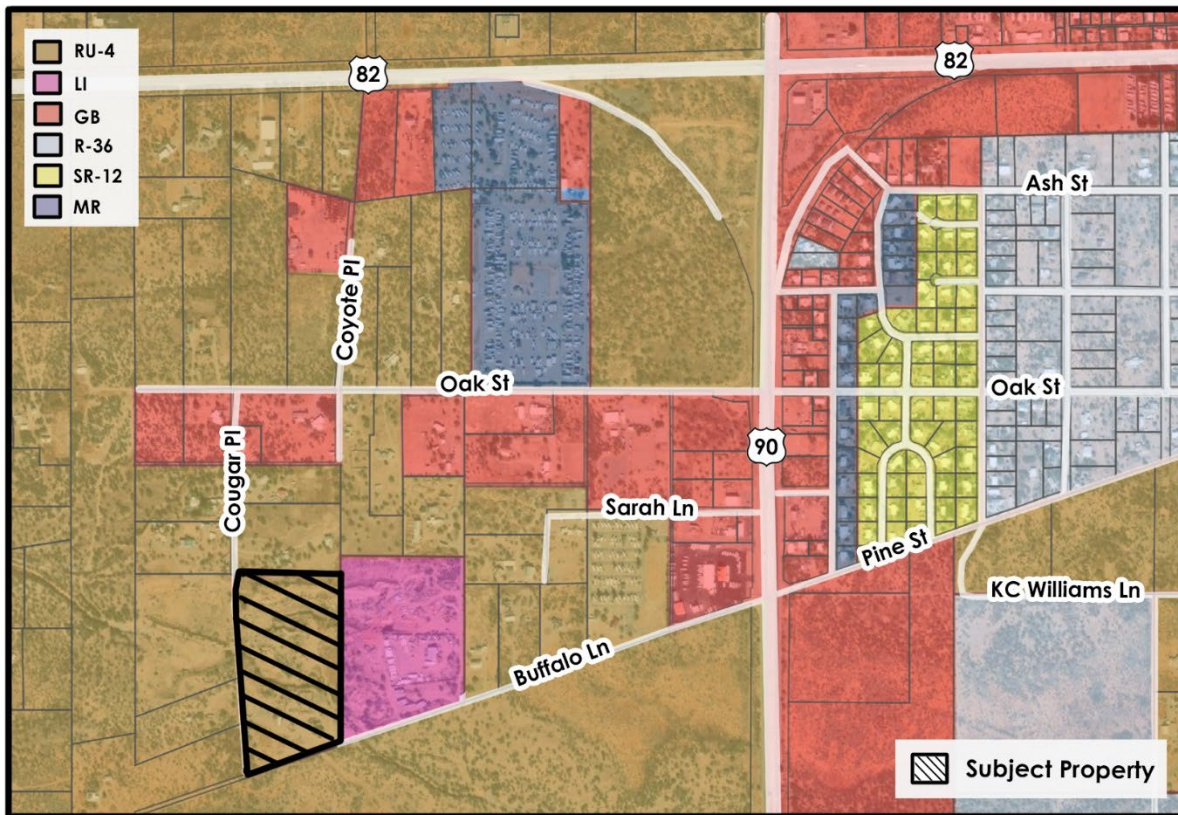
601.07 To allow consideration of some more intense non-residential uses as Special Uses that are inappropriate in more densely populated urban/suburban areas that may under some circumstances be appropriate in rural areas if designed to be sensitive to the general character of rural districts and natural 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 contract construction services on a rural parcel. It will be co-located with an existing structures. Most specifically, the use is consistent with 601.07, which states the purpose of the established: “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 use would likely be inappropriate in an urban/suburban location. In addition, the applicant proposes placement closest to a parcel zoned light industry. The parcel is generally located in location that is not readily visible from the roadway or adjacent parcels.

Figure 3: Zoning



Zoning
SU 23-09 Buffalo Contract Construction



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 Buffalo Lane, 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 a mix of residential and non-residential uses. The parcel at the northwestern corner of Highway 90 and Buffalo Lane is zoned commercial

(RV City). Immediately to the west is Mountain View RV Resort (special use docket 90-06A). Both uses are intensive. To the immediate south is Babocamari Ranch, which is 10,872 acres and currently undeveloped.

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 Buffalo Lane for the duration of the commercial use.

Recommended COA 1: The applicant will be required to enter into a Private Maintenance Agreement to participate in the maintenance of the non-maintained roadway, Buffalo Lane, from the driveway of the subject parcel to the intersection of Buffalo Lane and Highway 90 per Zoning Regulation 1807.02, at the Commercial Permit phase.

5. Adequate Services and Infrastructure: Complies

The site currently includes a 600 SF home and 3,225 SF shop. It includes a private well and a septic tank. It is served by SSVEC for electricity and Fry Fire District for fire protection. There is no natural gas onsite.

6. Significant Site Development Standards: Complies, waivers requested

The County does not have site development standards that specific for contract construction services. 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 B growth area. “All uses in Category A (Urban Growth) and Category B (Community Growth) Areas shall have landscaped a minimum of five percent of the total developed area of a site. The landscaping shall be integrated into the developed area and shall include a minimum five-foot-wide strip along the abutting street(s). Landscaping shall be approved as part of building permit approval.” Due to the rural nature of the surroundings, the immediate adjacent parcel being used for industrial use (where the landscape strip would be required), and a desire to reduce water use, a waiver of landscape and irrigation requirements can be considered. It is recommended that the applicant maintain a visual barrier with fencing.
- 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 1,000-square feet of gross floor or display area plus 1 per facility vehicle.” Because the use is largely commercial truck storage the case planner recommends waiver of the standard for required number of parking spaces.
- Parking and Loading Area Improvements (1807.B.) “A two-inch thick gravel surface, or equivalent or better surface approved by the County Zoning Inspector, properly drained to prevent impoundment, shall be allowed if the site takes primary access off a dirt or gravel road.” The applicant will need to provide a two-inch thick layer of gravel for the 0.45-acre area proposed for the special use.
- In addition, Outdoor Storage and Display Area Improvements of Vehicles, Materials, or Equipment (1804.08) requires that “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 proposed use complies, and/or will comply, with all site development standards for RU-4 zoning, including maximum site coverage, setbacks, distance between structures.



Existing chain-link fence



Entrance to parcel

Recommended waiver 1: Waiver of the parking space requirement contained in section 1805.05 of the Zoning Regulations, associated with contract construction service.

Recommended waiver 2: Waiver of landscape and irrigation requirements contained in section 1806 of the Zoning Regulations, related to requirements for uses in Category Growth Areas; however, the applicant shall maintain a visual barrier with fencing, where indicated by the site plan, in perpetuity of the use.

7. Public Input: Complies

See Section IV. Public Comment for discussion.

8. Hazardous Materials: N/A

The Applicant does not anticipate the use of any hazardous materials, nor are these typically associated with this type of request. Because of the nature of the vehicles and equipment being stored on the property, staff recommends specifying that no non-residential trash shall be stored on the property, either in the sanitation trucks or dumpsters.

Recommended COA 2: No non-residential trash shall be stored on the property, either in the sanitation trucks or roll-offs.

9. Off-Site Impacts: Complies with conditions

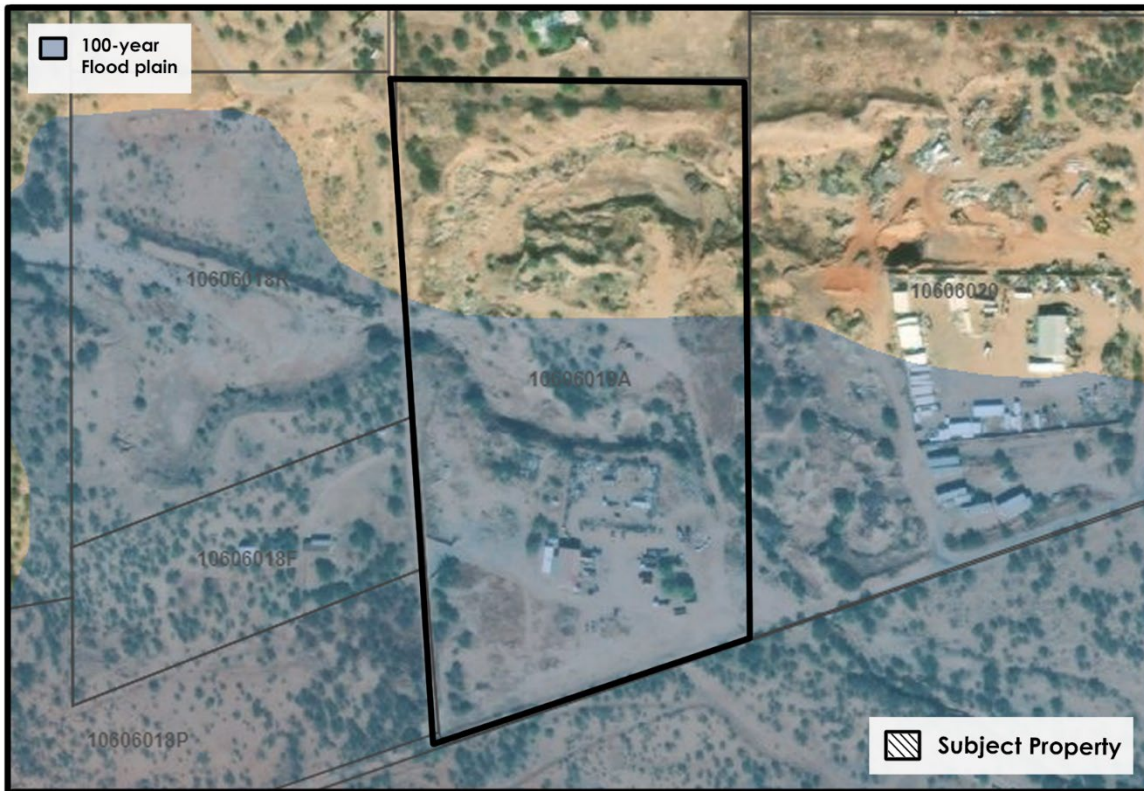
This factor is intended to ensure adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, lights, and/or stormwater run-off.

- According to the application, there will be no outdoor activity or material storage, other than the actual use itself.
- No odors or on-site activities that attract pests are anticipated
- No outdoor lighting is proposed
- Dust will be reduced with a 2-inch layer of gravel, as required by zoning
- No onsite employees
- Stormwater runoff: the southern end of this parcel, and all the area designated for the special use is within the floodplain. Property within the designated flood plain is generally less suitable for

development. Any permanent construction or development may require a floodplain use permit during commercial permitting.

- No retail use of the site is proposed. There will be no customers brought to the site.

Figure 4: Flood Plain



Flood Plain
SU 23-09 Buffalo Contract Construction

N.T.S.



Recommended COA 3: Applicant shall be limited to parking no more than three sanitation trucks and fifteen roll-offs at any one time. All trucks and roll-offs shall be limited to placement in the area indicated on the site plan.

10. Water Conservation: Complies

The parcel is served by a private well. 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. Moreover, there is no water use associated with the proposed use.

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 (3/29/23), published a legal ad in the *Sierra Vista Herald* (4/7/23), and posted legal notices on the property (4/17/23). To date, staff has received no responses.

VII. WAIVERS

Recommended waiver 1: Waiver of the parking space requirement contained in section 1805.05 of the Zoning Regulations, associated with contract construction service.

Recommended waiver 2: Waiver of the landscape and irrigation requirements.

VI. SUMMARY AND CONCLUSION

This is a special use request for contract construction services on a 19.1-acre parcel (APN 106-06-019A) in unincorporated Cochise County.

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 all relevant factors used to evaluate special use request;
3. Visually, the use is not out of character or scale for the area, if limited in scale.
4. The commercial parking and storage provided by this use serves a small, locally owned business that provides sanitation services to Cochise County residents.

Factors Against Approving the Special Use

1. Conditions are recommended to help mitigate potential off-site impacts.
2. The lot is within a floodplain, which is generally less suitable for development than areas not in a floodplain.

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, Buffalo Lane, from the driveway of the subject parcel to the intersection of Buffalo Lane and Highway 90 per Zoning Regulation 1807.02, at the Commercial Permit phase;
2. No non-residential trash shall be stored on the property, either within the sanitation trucks or roll-offs;
3. The applicant shall be limited to parking no more than three sanitation trucks and fifteen roll-offs on site at any one time. All trucks and roll-offs shall be limited to placement in the area indicated on the site plan;
4. The commission grants a waiver regarding all parking space requirements contained in section 1805.05 of the Zoning Regulations, associated with contract construction service; and
5. The commission grants a waiver of landscape and irrigation requirements contained in section 1806 of the Zoning Regulations, related to requirements for uses in Category Growth Areas; however, the applicant shall maintain a visual barrier with fencing, where indicated by the site plan, in perpetuity of the use.

* 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-23-09 (Buffalo Contract Construction), with the Conditions of Approval and waivers recommended by staff; the Factors of Approval constituting Findings of Fact.