



**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Robert Kirschmann, Planner II  
**SUBJECT:** SU23-14 (Barataria Feed)  
**DATE:** June 1, 2023, for the June 14, 2023 Meeting

**APPLICATION FOR A SPECIAL USE**

The Applicant, Mr. Albert Aremonta requests a Special Use Authorization pursuant to Section 607.23 to construct a retail feed store. Phase 1 will include a 4,000 square foot hay barn, small sheds with merchandise, parking, and driveway. Phase 2 will include up to a 60,000 Square foot building to house the feedstore and indoor arena.



The project is at 8191 E Barataria Road in Hereford, Arizona. The 20.86-acre parcel is identified as Assessor’s Parcel Number 107-620-09A.

**I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES**

**Site Size:** 20 Acres  
**APN:** 107-62-009A  
**Zoning:** RU-4 (Rural, 4-acres minimum parcel)  
**Growth Area:** Category D  
**Plan Designation:** Rural Residential  
**Area Plan:** None  
**Existing Uses:** Unpermitted feed store  
**Proposed Uses:** Permitted feed store and future indoor arena

**Surrounding Zoning and Uses**

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

**II. SITE HISTORY**

None

**III. REQUEST DESCRIPTION**

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The business is already in operation without any approvals. The Applicant currently sales hay, animal feed and other miscellaneous items related to livestock. The hay is currently store outside and covered with tarps. Other items are stored within storage sheds onsite. The applicant would like to legitimize the business and construct a 4,000 square foot building to store the hay in.

**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 five (5) of the factors and with the recommended conditions it complies with the five (5) remaining factors.

**1. Compliance with Duly Adopted Plans: Complies**

The project site is located in Category D, Rural Residential. The “Rural Residential” (RR) plan designation is used to describe areas in Category D (Rural) areas with *a definite pattern of residential development on larger lots, two acres, or larger in size. Due to the well-established residential character of these areas, Rezonings or Special Use Authorizations 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.* The proposed development is a phased feed store and covered riding arena. A feed store and riding arena fits into the rural character of the area.

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...*

*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 .*



**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 structures and uses are consistent and compatible with the rural zoning district, specifically 601.01 and 03. Phase One will include the existing sheds where feed and miscellaneous items are stored, and a 4,000 square building will be constructed to place the feed outside of the elements. The actives occur in a low



spot of the property and is not highly visible from Barataria Road. The business fills a local need while remaining compatible with the rural area. The second phase, though a large building is also compatible as it will be for equestrian and other livestock type events. The area will be located inside a building to keep it out of the elements, but will also help to mitigate impacts to surrounding properties.

Section 603.06 permits commercial riding stables on 10 acres or more(parcel is 20 acres) by right. This is defined as *Facilities for the boarding, exercise, and/or rental of horses on a commercial basis.* The arena has the potential to create more impacts on the surrounding neighbors and is considered Outdoor Recreation. This use is defined as *an area designed and equipped for active recreation, sports, or leisure time activities and other customary and similar activities for public or private use, including, but not limited to parks, baseball or softball diamonds, soccer and football fields, tennis courts, and roping and equestrian arenas.* These types of uses are allowed subject to the approval of a Special Use.

**3. Development along Major Streets: Complies with conditions**

This factor seeks to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials. The property current takes access off of Barataria Road, through an adjoining property. The applicant will either need to record an easement across this property or relocate the driveway onto the subject parcel. Regardless of using the existing driveway or building a new one, the applicant is required to obtain a right-of-way permit and pave the connection to County standards. The remaining driveway, parking and maneuvering area is conditioned to provide gravel or a similar dust proof material. The applicant has requested a wavier, however after a site visit and witnessing blowing dust, staff does not support the waiver.

1. With the non-residential permit the Applicant shall obtain a right-of way permit. The driveway connection shall be paved and constructed to Engineering requirements.
2. If the applicant wishes to continuing uses the existing driveway on the adjacent parcel to the east an ingress/egress easement shall be recorded.
3. Outside of County right-of way, the driveway, parking, and all maneuvering areas shall consist of dust proof material such as gravel to prevent fugitive dust from leaving the site.



**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. Barataria is a County maintained paved collector road the

applicant will be required to pave the driveway to match the existing roadway pavement. Engineering reviewed the proposal and did not express concerns regarding the traffic.

Should the project move to phase two, it is possible that a traffic could impact the area and a condition is recommended for a traffic analysis at that point.

- 4. In conjunction with phase two a traffic analysis shall be provided. Any offsite improvements required by that document will be required.

**5. Adequate Services and Infrastructure: Complies with conditions**

The site has an existing well and electric by SSVEC. A commercial septic system will be required in conjunction with phase two. For phase one the applicant is proposing to provide temporary restroom.

- 5. In conjunction with the commercial permit for phase 2 the applicant shall install a commercial septic and restroom facilities, in compliance with the Building Regulations in place at that time.

**6. Significant Site Development Standards: Complies with conditions**

**Site Plan:**

The concept plan shows an existing driveway and storage sheds used to store feed and other items. The driveway on the concept plan is shown onsite, however it currently uses the adjacent property as discussed above. It also depicts a proposed driveway. A 4,000 square foot hay storage building is proposed in phase one. Phase two, will add an approximately 60,000 square foot building that would house the retail store and an indoor arena.



The site plan provided is a concept plan but is significantly lacking in detail. In conjunction with the non-residential permit the applicant shall provide a complete, fully dimensioned, and detailed site plan.

**Setbacks:**

The site is a 20-acre parcel, and the uses are clustered towards the center and east side of the property. This area is in a slight depression which helps to provide screening from Barataria. There is adequate room to provide the minimum 20-foot setbacks, however these will need to be depicted on the revised plan.



**Lot Coverage:**

The rural Land Use district restricts lot coverage to a maximum of 25%. As proposed, the applicant is well under that amount. A table shall be provided on the revised site plan demonstrating this.

**Height:**

The RU-4 allows for a height of up to 30 feet. Fencing shall be less than eight (8) feet. The applicant will demonstrate compliance at the permit stage.

**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.

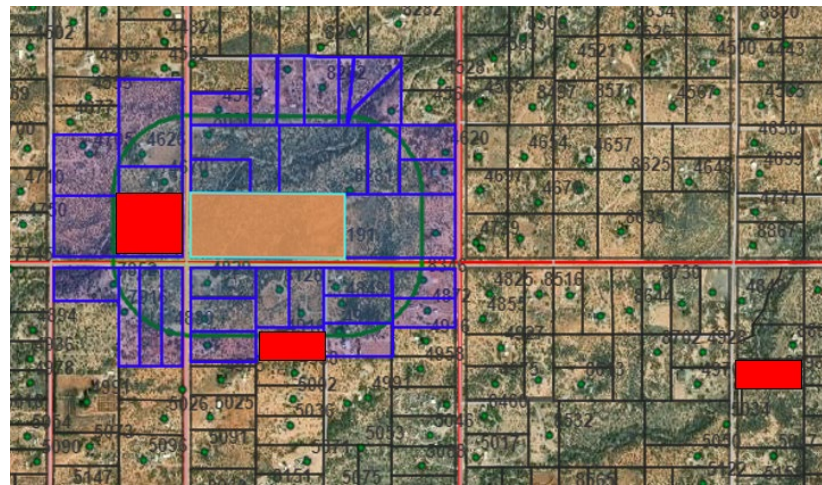
**Landscaping:** No landscaping or screening is required by code.

- 6. In conjunction with the non-residential permit the applicant shall provide a fully detailed and dimensioned site plan that meets the minimum submittal requirements.

**7. Public Input: Complies**

The applicant mailed letters to property owners within 750 feet of the property prior to application submittal.

The Planning Department mailed letters to the same property owners within 750 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 four (4) responses in opposition. Two (2) of the responses were from the same address. The comments included:

- Traffic concerns
- Commercial business in a residential area
- Proximity of another feed store

In regard to traffic concerns, the property is located on paved, County Maintained Barataria Road. The business has already been in operation and phase one is to construct a 4,000 square foot building to house the hay. Additional traffic is not likely to be generated. The applicant, ill likely be required to provide a traffic analysis in conjunction with phase two. That will

determine if any improvements are required to support the project. It should be mentioned that commercial riding stables are already a permitted use in the RU-4.

The purpose of a Special Use is to evaluate whether a particular use is appropriate in a given location. If necessary, conditions can be imposed to make sure impacts are mitigated. As to the mention of the other feed store, there is nothing in the Zoning Regulations that restrict the number of distance between feed stores.

Although there are four (4) letters in opposition and no letters in support, this does not meet the criteria of significant public opposition.

#### **8. Hazardous Materials: Complies**

The Applicant states that the use of hazardous materials is not anticipated on site.

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

Major off-site impacts could include temporary construction traffic, dust, and long-term dust, noise, and visual impacts.

Staff is including a condition that all areas used for driveways, parking or maneuvering areas be treated with gravel or other approved dust proof material. The Applicant has requested a waiver to this, but due to visible dust on Staff's visit we do not support this waiver. We also, further recommend a condition requiring all other disturbed areas be treated with a dust polymer, hydro-seeded or some other acceptable form of dust control.

7. All disturbed areas of the site outside of driveways, parking and maneuvering areas shall implement methods to control erosion and could include a dust polymer, hydroseed or other approved methods.

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

Initially there will not be any water used as a portable restroom is proposed. With the larger building the applicant will be required to provide restrooms and a commercial septic. The parcel is located in the Sierra Vista Sub-Watershed and will be required to comply with those requirements included but not limited to low flow fixtures.

### **V. WAIVERS**

The applicant has requested to leave the driveway and parking areas as native. Staff does not support this request due to dust witnessed blowing from the site with low wind speeds.

### **VI. SUMMARY AND CONCLUSION**

This request is for a Special Use authorization to approve a retail feed store. Phase 1 will include a 4,000 square foot hay barn, small sheds with merchandise, parking, and driveway. Phase 2 will include up to a 60,000 Square foot building to house the feedstore and indoor arena.

#### **Factors in Favor of Approving the Special Use**

1. The project, with the recommended conditions complies ten (10) of the ten (10) 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...*

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. *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... 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.*
5. The request is consistent and compatible with the Zoning District purpose statement.

#### **Factors Against Approving the Special Use**

1. Four letters in opposition were received.

#### **VII. RECOMMENDATION**

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

8. With the non-residential permit the Applicant shall obtain a right-of way permit. The driveway connection shall be paved.
9. Should the applicant wish to continuing uses the existing driveway on the adjacent parcel to the east an ingress/egress easement shall be recorded.
10. Outside of County right-of way, the driveway, parking, and all maneuvering areas shall consist of dust proof material such as gravel to prevent fugitive dust from leaving the site.
11. In conjunction with phase two a traffic analysis shall be provided. Any offsite improvements required by that document will be required.
12. In conjunction with the commercial permit for phase 2 the applicant shall install a commercial septic and restroom facilities, in compliance with the Building Regulations in place at that time.
13. In conjunction with the non-residential permit the applicant shall provide a fully detailed and dimensioned site plan that meets the minimum submittal requirements.
14. All disturbed areas of the site outside of driveways, parking and maneuvering areas shall implement methods to control erosion and could include a dust polymer, hydroseed or other approved methods.

#### **Sample Motion:**

*Chair, I move to approve Docket SU23-14 (Barataria Feed), on parcel 107-62-009A; the Factors of Approval constituting Findings of Fact.*