



## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Matthew Taylor, AICP, Planner II  
**FOR:** Christine McLachlan, AICP, Planning Division Manager  
**SUBJECT:** SU24-04 (Moson Metal Art)  
**DATE:** May 8, 2024

### Docket SU24-04 (Moson Metal Art)

The applicant requests Special Use Authorization to allow a metal art and sculpture business. Business activity will occur within an existing 3600 square foot building and includes a 2500 square foot outside storage area. The property totals 8.5 acres and is zoned RU-4 (Rural District, one dwelling per 4 acres).

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

Applicant: John and Colleen Giffin  
Location: 5089 S. Moson Road  
APN: 107-72-011F  
Parcel Size: 8.5 acres  
Zoning: RU-4 (Rural District, one dwelling per 4 acres)  
Growth Area: D – Rural Areas  
Plan Designation: Rural Residential  
Existing Use: Single Family Residence with Shop  
Proposed Use: Residential, Metal Art/Sculpture

### Surrounding Zoning and Uses

North	RU-4	Single family residences
South	RU-4	Single family residences
East	RU-4	Single family residences
West	RU-4	Coronado Elementary School

### II. SITE HISTORY

The property has an existing building constructed in 2020 utilizing the county's owner-builder program. The 3,600 square foot building includes living and workshop space.

### III. SPECIAL USE AUTHORIZATION REQUEST

The applicant requests special use approval for a metal and sculpture business. Most fabrication work will be done in an existing multi-purpose building with occasional outside work in a proposed 2,500 square foot storage area. Hours of operation include daytime hours Monday through Friday between 8am and 5pm, and Saturdays by appointment. Much of the north portion of the property is located within Flood Zone A and effectively

undevelopable, providing substantial separation from the single family residence to the north (685'). The abutting parcel to the south is undeveloped. Closest residences are located at the northeast corner of Moson Road and Madera Drive (430'), and to the east (700' or greater). Coronado Elementary School is located with the west with school buildings approximately 2,000' away from the subject property's principal structure.

**IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 2.48.160 of the Zoning Regulations identifies ten (10) factors to evaluate Special Use applications. Staff uses these factors to determine the suitability of a special use request, whether to recommend approval, and to determine if conditions and/or modifications are needed to mitigate potentially negative impacts on surrounding properties. With the information provided, all ten (10) factors apply to this special use request with ten (10) factors complying with and without special conditions.

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

The subject property is designated "Rural Residential" by the comprehensive plan and falls within Growth Area D (Rural Areas). Existing RU-4 zoning is consistent with the rural residential plan designation, which is applied to areas with an established residential character, typically on parcels of two acres or more. Non-residential uses are not necessarily appropriate within this designation unless they provide services to area residents. However, Moson Road itself is classified as a major collector and is characterized by large lot residential uses with sporadic non-residential uses, usually at or near intersections.



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N.T.S



The roadway's collector status is due to its north-south alignment from Charleston Road south to Hereford Road, extending about 10 miles and serving several minor arterial and local roads. The property's 8.5 acres size, natural features, and location along Moson Road lends itself to non-residential uses provided adjacent properties are not subjected to significant off-site impacts such as noise, odors, vibration, lighting, dust, or substantial increases in vehicular traffic.

**2. Compliance with the Zoning District Purpose: Complies**

Rural districts, which range in site area from 2 acres to 36 acres, allow residential and non-residential uses compatible with an area's rural character. The existing structure contains both living and significant workshop space and is decidedly non-residential in appearance. This building is located at the southwest corner of the property about 230' from Moson Road's improved surface, and the site itself already has the appearance of a business use. County zoning regulations do not allow manufacturing uses by right, but more intense non-residential uses of a regional scale are authorized with approval of a special use.

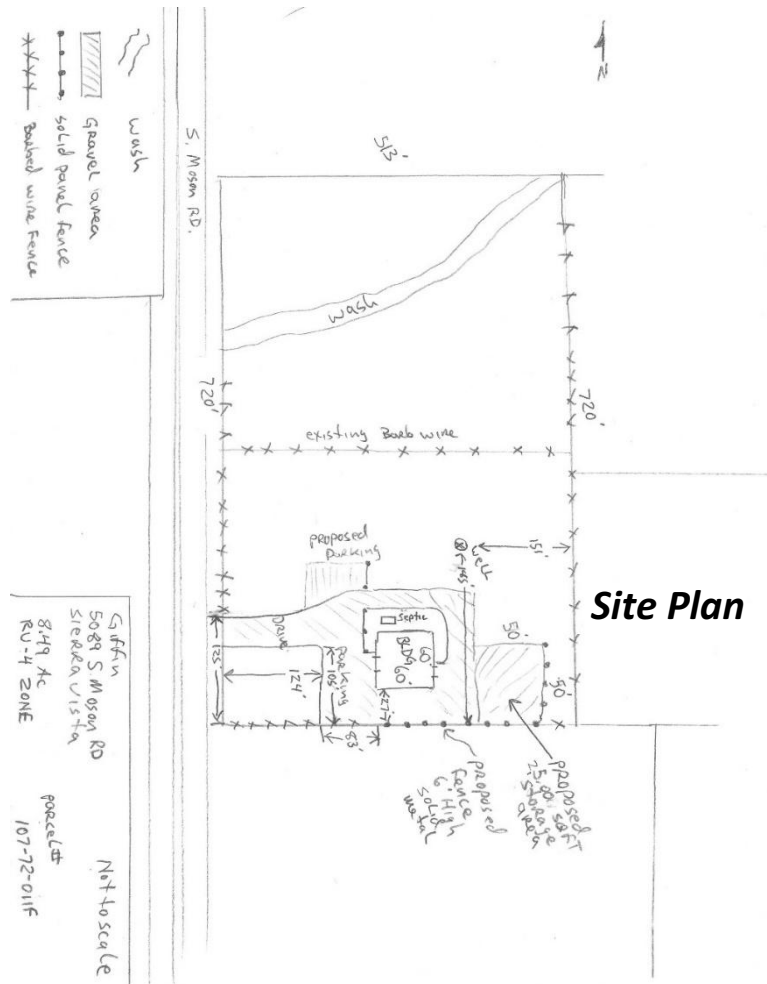
**3. Development Along Major Streets: Complies**

The property accesses Moson Road, a major rural collector. The intent of this factor is to consider limiting the number of access points on major thoroughfares, arterials, or collectors by using frontage roads, shared access, and no access easements. Incorporating such measures promotes fewer road cuts to avoid potentially unsafe traffic conflicts, hazardous traffic congestion, and roadway obstruction caused by traffic. The property is served by a single driveway onto Moson Road and additional drives are not proposed. Since the request is to allow a business use, a county right-of-way (ROW) permit is required for a commercial driveway. The driveway requires a hard surfaced apron that meets or exceeds the surface of Moson Road.

**4. Traffic Circulation: Complies**

This Special Use Authorization factor stipulates:

1. The request is consistent with the preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.
2. The 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 property has legal access to Moson Road, an improved major collector.

Business uses with limited or no retail activities typically do not generate significant amounts of traffic that warrant off-site improvements such as traffic signals, additional turn lanes, or deceleration lanes. Moson Road’s existing functional classification will not require re-evaluation due to this small business use, and customer traffic will access the property via this main road since there are no alternate, adjoining residential streets providing additional access to the property.

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

The property has an existing well and septic system. Fry Fire District Station 3 is located on Arabian Drive less than one mile away, and electricity is provided by Sulphur Springs Valley (SSVEC).

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

Development standards contained in Sections 2.15 (RU Districts) of the zoning regulations applies to RU-4 parcels regardless of use. Additional development standards may be required based on a property's growth area category. The applicant's site plan depicts general compliance with applicable development standards relative to bulk standards such as setbacks and site coverage. The applicant has not requested waivers from other standards such as signage, lighting, or screening requirements. Since most metal fabrication activity will occur within the existing building, potential off-site impacts associated with such uses including noise, odors, or vibrations are likely particularly given the small scale of the proposed use and associated on-site business activities.

#### **7. Public Input: Complies**

Section 2.48.160 of the Zoning Regulations states, "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." The applicant sent letters to surrounding property owners on February 23, 2024, and did not receive concerns or opposition.

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

Hazardous or dangerous materials are not proposed for this special use. Finishing materials such as paints and oils and inert gases for welding and cutting equipment are kept inside the workshop in small quantities.

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

Staff recommends conditions relative to operating hours and screening to limit potential off-site impacts. The small business is occurring on a large 8.5 acre parcel and most activities occur within an existing building. The applicant has not requested waivers from typical site development standards associated with non-residential uses including lighting, signage, and screening. Staff does recommend limits on signage, as the principal use of the property is residential.



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

County-wide and Sierra Vista Sub-Watershed Overlay Zone water conservation requirements identified in Section 2.51.170 of the zoning regulations apply to non-residential uses and properties. These include drought tolerant vegetation identified on the county's plant list for landscaping; non-erosive, soil stabilizing ground cover materials; misters are prohibited; new water features must utilize harvested rainwater. The subject property is located within Growth Area D, which does not require landscaping. The applicant is not proposing water-intensive improvements to the property.

**V. PUBLIC COMMENT**

Staff mailed neighborhood letters, posted the property, and published legal notice on April 17, 2024.

**VI. WAIVERS**

The applicant has not requested waivers.

**VII. SUMMARY AND CONCLUSION**

The applicant requests special use authorization for a metal fabrication business use. Products include artwork, sculptures, gates, and auto-themed furniture with most fabrication occurring in an existing 3,600 square foot building. Welding, cutting, and forming of metal is used to create these products. Finishing materials such as paints and oils and inert gases for welding and cutting equipment are kept inside the workshop in small quantities. A 2,500 square foot storage area is located behind the existing building and will be screened. Auto repair is not a permitted use in rural districts and the applicant has not requested special use approval for that use.

**Factors in Favor of Approval**

1. Complies with ten (10) of ten (10) applicable factors.
2. Development patterns consisting of residential and non-residential uses are common and typically appropriate along rural collector roads.
3. Support from nearby property owner.

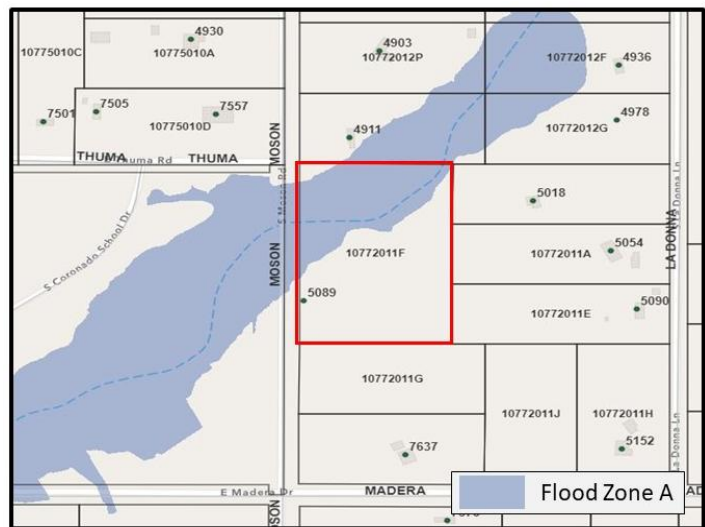
**Factors Against Approval**

None identified.

**VIII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends approval of Docket SU24-04 to allow and metal art and sculpture business with the following conditions:

1. Business hours are limited to Monday through Saturday between 8:00am and 5:00pm.
2. Outdoor storage and work areas shall be screened using a combination of standard materials, vegetation, and natural features.
3. A County right-of-way permit for a commercial driveway is required. Driveway surface must meet or exceed that of Moson Road.
4. Business signs are limited to one monument sign not exceeding 4' in height or 36 square feet along Moson Road and one wall sign not exceeding 36 square feet.
5. Within 30-days of approval of the Special Use, the applicant shall provide the County a signed Acceptance



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of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in substantial conformance with the approved special use concept plan, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 12-months of the Special Use approval otherwise, the Special Use may be deemed void upon 30-day notification to the applicant.

6. It is the applicant's responsibility to obtain any additional permits, or meet any additional Conditions, that may apply to the proposed use pursuant to other federal, state, or local laws or regulations.
7. Any changes to the approved Special Use will be considered a Modification to this Special Use and will require review and approval of the Planning and Zoning Commission.

### **Sample Motion**

Madam Chair, I move to approve Docket SU24-04 with conditions of approval recommended by staff, the factors in favor of approval constituting the findings of fact.

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