



## 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:** SU24-25 (Impound Storage Yard)  
**DATE:** February 12, 2025

### **Docket SU24-25 (Impound Storage Yard)**

A Special Use Authorization request for an impound storage yard near Douglas.

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

Applicant: Pedro De Castro  
Location: Denham Road, ¼ mile East of Highway 191  
APN: 407-83-006  
Property Size: 40 acres  
Zoning: R-36 (*Proposed RU-4 per concurrent Docket RZ24-26*)  
Plan Designation: Rural  
Growth Area: D – Rural Areas  
Existing Use: Undeveloped  
Proposed Use: Impound Storage Yard

### **Surrounding Zoning and Uses**

North	R-36	Undeveloped
South	R-36	Undeveloped
East	R-36	Single Family Residential
West	R-36	Undeveloped

### **II. SITE HISTORY**

- Well and septic system (2024)
- No active code compliance actions

### **III. SPECIAL USE AUTHORIZATION REQUEST**

The applicant requests a special use to allow an impound storage yard, proposing to subdivide the 40-acre parcel into four 10-acre parcels with one parcel for the storage yard and the other three parcels for single family residential use.

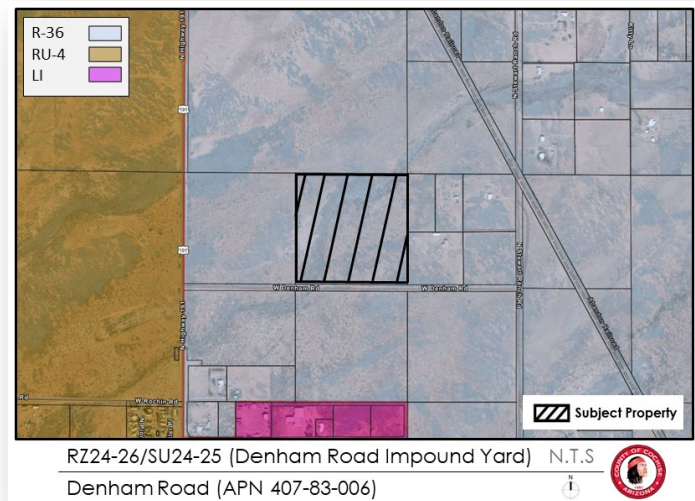
### **IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 2.48.160 of the Zoning Regulations identifies ten (10) factors to evaluate Special Use applications. These factors 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, eight (8) factors apply to this special use request with all applicable factors complying with conditions:

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

Comprehensive Plan designations for the property are Rural and Growth Area D (Rural Areas). These land use categories are characterized by sparsely populated areas with large lot sizes and large expanses of private and public lands. Agricultural uses are common as are developed or undeveloped recreational resources. The property is located about 1.5 miles east of City of Douglas municipal boundaries on Denham Road near Highway 191. A concurrent Plan amendment from Rural land use categories to Developing and upzoning to General Business (GB) would also allow the impound use. However, downzoning the property to rural with a concurrent special use is an effective option since residential uses are also proposed for the site, eliminating the need for a plan amendment. The applicant is therefore preserving existing land use designations identified by the Comprehensive Plan.



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

Rural districts allow non-residential activities that provide services serving local needs, recreational support services, and are generally compatible with rural living. These zoning 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. Per the zoning regulations, rural zoning districts may be appropriate for 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 this Section." Special uses that may be described in these terms relative to the applicant's request are contractor yards, service stations, and auto repair shops. Though the property is designated Rural by the Comprehensive Plan, it is close to the City of Douglas and within ¼ mile of a major roadway, Highway 191. Rural zoning districts do not prohibit non-residential uses but allows them in locations where the use can be compatible with an area's character through conditions. Offsetting impacts on adjacent property potentially caused by the impound yard (traffic, noise, visual impacts) can be achieved through limited hours of operation and screening.

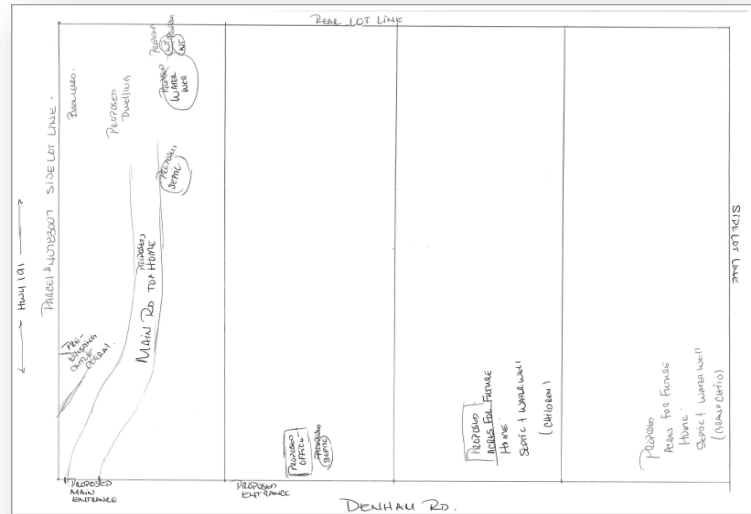
### 3. Development Along Major Streets: Not Applicable

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. Access to the property is from Denham Road, an 80' wide unimproved right-of-way functioning as a local road that is not in county maintenance.

#### 4. Traffic Circulation: Complies w/ Conditions

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 is located on Denham Road approximately  $\frac{1}{4}$  mile east of Highway 191. This road is an unimproved road not maintained by the county and utilized by three and potentially as many as eight single family residences along Denham and Stewart Ranch Roads. Since the road is not in county maintenance a right-of-way (ROW) permit is not required for new driveways. Rezoning the property to RU-4 does not require a functional classification assignment of Denham Road, an increase in right-of-way width is not required, and the need for off-site improvements, e.g., replacing the stop sign at Highway 191 with a traffic signal, are not required. However, business traffic associated with an impound yard may require off-site improvements. The county will require a traffic statement at permitting to identify traffic demand and needed improvements to Denham Road if the special use is approved.

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

This factor evaluates whether adequate services and infrastructure are in place to support more intensive land uses. The property falls within Arizona Public Service (APS) and is approximately  $\frac{1}{4}$  mile north of Pirtleville Fire District boundaries (the applicant identifies the City of Douglas as providing fire protection). The property will be served by private well and septic and can support the proposed special use.

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

Applicable development standards identified in Section 2.15 (*RU Districts*) apply to this property, including building setbacks, structure height, and site coverage as well as other site development standards related to floodplain management and stormwater mitigation. Staff recommends several conditions of approval to ensure to reduce potentially significant off-site impacts to nearby properties, including four with existing single family residences within  $\frac{1}{4}$  mile of the subject property.

#### 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 property owners within 1,000' on February 27, 2024, receiving no responses in opposition.

**8. Hazardous Materials: Not Applicable**

Hazardous or dangerous materials are not proposed for this special use. Vehicles will be towed to the site for short and possible long-term storage. The site will be used for storage only – a salvage yard or auto repair shop are not proposed and subject to intensive permitting process through the State of Arizona Department of Environmental Quality (ADEQ).



**9. Off-Site Impacts: Complies w/Conditions**

This factor is intended to ensure adequate measures have been taken to mitigate off-site impacts such as noise, outdoor lighting, odors, smoke, traffic, and dust. See also Section 6 (Significant Site Development Standards):

- **Noise:** The most likely source of noise associated with the special use would be vehicular traffic, i.e., tow trucks or flatbeds bringing vehicles to the site. Vehicle owners are also likely to visit the site. Denham Road is a local rural road used by a small number of residents and the use will generate business traffic. However, business traffic will not venture into residential areas as Highway 191 is the shortest and preferred route for this traffic. Staff recommends a condition limiting business hours to reduce noise generated by business traffic visiting the site.
- **Lighting:** Permanent lighting will be used for security purposes and is subject to Section 2.45 of the zoning regulations relative to brightness and shielding.
- **Odors and Smoke:** Other than vehicles including large trucks visiting the site, the impound yard is unlikely to generate odors or smoke that could create a nuisance for nearby residents. Staff recommends limiting business hours and site improvements to limit dust.
- **Parking:** Adequate parking is available onsite and the applicant does not propose off-site parking. The property is located in Growth Area D which does not require improved parking or driveway areas; however, as the use is commercial and likely to generate a larger number of vehicle trips, Staff recommends improving these areas to reduce dust.
- **Landscaping:** Landscaping is not required for properties located in Growth Area D; however, staff recommends landscaping in conjunction with sight obscuring fencing to screen impound vehicles from view. Impound storage yards are a permitting use in business districts and screening is required uses involving outside storage.
- **Traffic:** If approved, the impound yard is likely to generate significantly more traffic along Denham Road than currently exists. The applicant’s property is within ¼ mile of Highway 191, limiting the number of potentially impacted properties and residents. Staff recommends a traffic impact



statement at the permitting stage to identify needed off-site improvements to accommodate increased traffic.

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

County water conservation requirements apply to non-residential uses and properties. Section 2.51.170 of the zoning regulations requires water saving strategies and applicable water conservation regulations and policies identified in the zoning regulations and comprehensive plan are typically identified at permitting. Required water conservation measures will be identified during the building permit process when permanent improvements to the site are made.

#### **V. PUBLIC COMMENT**

Staff published legal notice, mailed notification letters, and posted the property between 7 and 22 January 2025.

#### **VI. WAIVERS**

None.

#### **VII. SUMMARY AND CONCLUSION**

The applicant requests special use authorization approval to allow an impound storage yard. The property is not located along a major roadway where such uses are most appropriate but is located within ¼ mile of Highway 191. Surrounding parcels zoned R-36 to the north, south, and west are currently undeveloped with existing single family residences located to the east. The property is located within ¼ mile non-residential uses (Cochise Industrial Park to the south). Staff recommends conditions to limit the possible off-site impacts on nearby properties.

##### **Factors in Favor of Approval**

1. Complies with all eight (8) applicable factors with conditions.
2. No opposition from nearby property owners.

##### **Factors Against Approval**

1. Non-residential uses are most appropriate along collectors, arterials, and highways.
2. Site access is limited to an unimproved local road.

#### **VIII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends approval of Docket SU24-25 to allow an impound storage yard subject to the following conditions:

1. The impound yard shall not exceed 10 acres and vehicle storage areas shall be a minimum of 20' from all property lines.
2. A Floodplain Use Permit and Traffic Impact Statement are required at permitting.
3. Business hours are limited to 6:00am to 10:00pm seven days per week.
4. A landscaped 6' solid wall is required along the impound yard street frontage. Impounded vehicles shall be screened from view along remaining property lines with a sight obscuring wall or fence, landscaping, and/or natural terrain.
5. On-site parking and storage areas and driveways shall be improved 2-inch gravel to reduce dust.

6. Within 30-days of approval of the Special Use, the applicant shall provide the County a signed Acceptance 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 24-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 24-months of the Special Use approval otherwise, the Special Use may be deemed void upon 30-day notification to the applicant.
7. 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.
8. 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**

I move to approve Docket SU24-25 with conditions recommended by staff, the factors in favor of approval constituting the findings of fact.

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