



## 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:** SU25-05 (Marijuana Establishment)  
**DATE:** April 9, 2025

### **Docket SU25-05 (Marijuana Establishment)**

A Special Use Authorization request for a marijuana establishment.

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

Applicant: Green Reason LLC c/o Elizabeth Del Deo  
Location: 1134 W. Business Loop  
APN: 302-15-001H  
Property Size: 4.5 acres  
Zoning: RU-4  
Plan Designation: Developing  
Growth Area: C – Rural Community Areas  
Existing Use: Undeveloped  
Proposed Use: Retail sales of marijuana products

### **Surrounding Zoning and Uses**

North	RU-4	Undeveloped, Railroad Right of Way
South	RU-4	Undeveloped, ADOT Right of Way
East	GB	RV Park, Convenience Store, Residence
West	RU-4	Undeveloped (former gas station)

### **II. SITE HISTORY**

- No active code compliance actions

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

The applicant requests a special use to allow a marijuana establishment (retail sales of marijuana and marijuana-based products). Site development is determined by the base RU-4 zoning district and additional requirements for marijuana uses are identified in Section 2.51.230 of the zoning regulations (setbacks, distances from other uses).

### **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, seven (7) factors apply to this special use request with all applicable factors complying with conditions:

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

The property is designated *Developing* and *Category C (Rural Community Areas)* by the Comprehensive Plan. The proposed

rural zoning is not consistent with these land use designations but pre-dates the current iteration of the Comprehensive Plan. The use itself is in an appropriate location for local and regional retail uses. Retail uses are allowed by right in the General Business District, equivalent to a special use in rural districts, which is consistent with the property’s land use current designations.

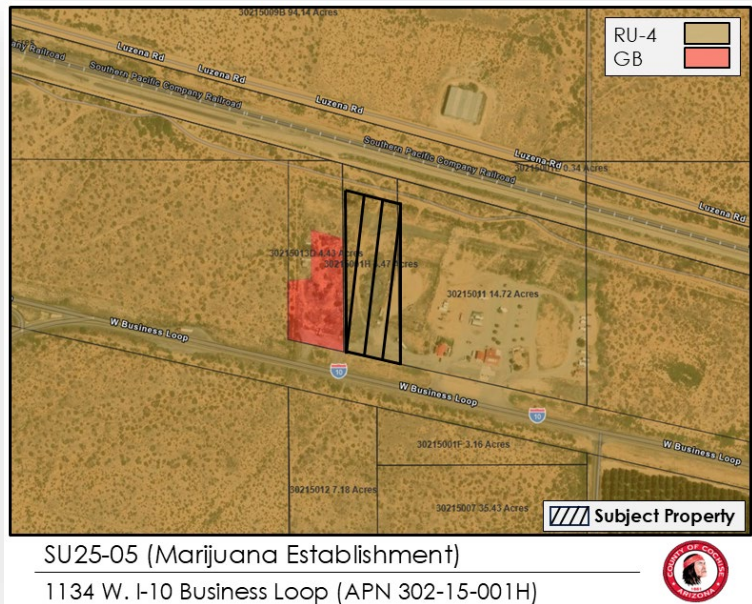
**2. Compliance with the Zoning District Purpose: Complies**

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.

Special uses that may be described in these terms relative to the applicant’s request are contractor yards, service stations, and marijuana-related uses in RU-4 or greater (RU-4, RU-10, RU-18, and RU-36). The applicant is specifically requesting special use approval for a retail facility and will not involve cultivation, infusion, or testing activities. Marijuana establishments are defined by the zoning regulations as:

- *A facility licensed for operation by the Arizona Department of Health Services that sells or distributes marijuana to consumers.*

The property is zoned rural but a variety of uses would be appropriate in this location including residential, business, industrial, and agricultural and rezoning the property outright to GB (General Business District) would be consistent with the Comprehensive Plan. The proposed special use is appropriate in this location being adjacent to established business uses, having direct access to a major roadway, and not being adjacent to sensitive land uses with significant separation requirements.



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

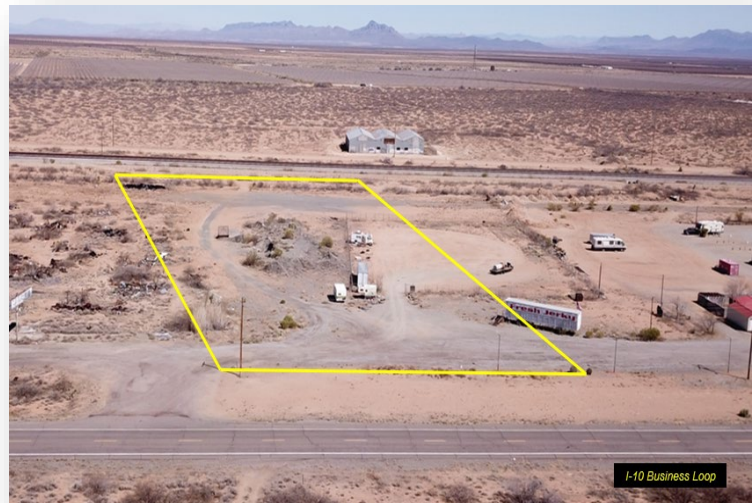
The project site takes access from Interstate 10 Business Loop which is under Arizona Department of Transportation (ADOT) jurisdiction. Permitting requirements and potential off-site improvements will be determined by ADOT.

**4. Traffic Circulation: Not Applicable**

The property accesses Interstate 10 Business Loop which is under ADOT jurisdiction. Permitting requirements for new or modified site access and potential off-site improvements will be determined by ADOT.

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

The zoning regulations includes this factor to measure the viability of a rezone to a more intensive zoning district and the uses that district would allow. Specifically, this factor considers impacts on roadways, infrastructure, and public facilities such as traffic volumes, roadway conditions, and required street, water, and sewer improvements. Given the property's location along both I-10 and the I-10 Business Loop, traffic and access-related issues will be addressed by ADOT.



The property is located within the Bowie Fire District service area with the nearest fire station located on Kinchilla Street, approximately one mile east. Power is available from Sulphur Springs Valley Electric Cooperative (SSVEC). Water and sanitation will be private.

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

Future site development must comply with applicable standards identified in the zoning regulations, notably Section 2.15 (*Rural Zoning Districts*) and Section 2.51 (*Marijuana Uses*). Applicable provisions include allowed uses and bulk standards such as setbacks, height, distances between structures, and maximum lot coverages. Given the property's four acre size it is reasonable to assume future development will comply with the zoning regulations.

**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 mailed notices to property owners within 1000' on February 26, 2025, receiving no responses.

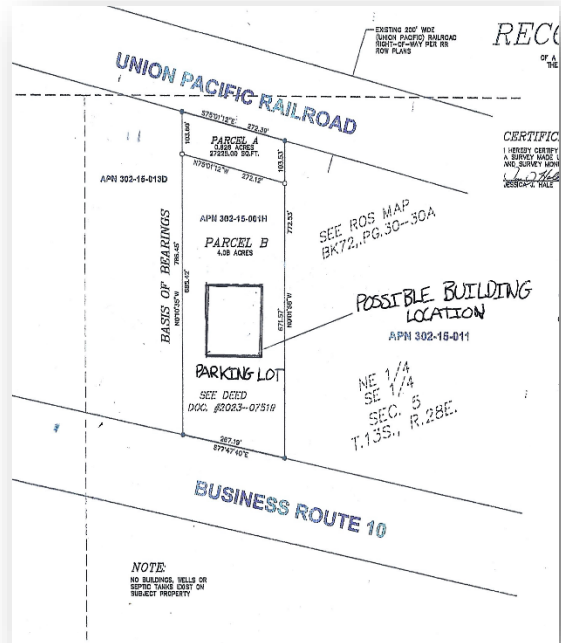
**8. Hazardous Materials: Not Applicable**

The use of hazardous materials is not proposed.

### 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: Bound by Interstate 10, Southern Pacific railroad ROW, and existing business uses to the east, off-site impacts generated by noise are unlikely.
- Lighting: New outdoor lighting relative to brightness and shielding is subject to Section 2.45 of the zoning regulations.
- Odors and Smoke: The proposed retail use is unlikely to generate significant odors or smoke. The use is to allow sales and the applicant is not proposing cultivation, infusion, or testing activities.
- Parking: Adequate parking is available onsite (the zoning regulations require one space per 350 square feet of gross floor area). The property is located within *Growth Area C* which does not require improved parking or driveway areas; however, Staff recommends a two-inch gravel surface for parking areas and driveways to reduce dust.
- Landscaping: Landscaping is not required for properties located in *Growth Area C*; however, landscaping in conjunction with sight obscuring fencing to screen refuse containers is recommended.
- Traffic: New driveways or modifications to existing driveways and potential off-site improvements will be determined by ADOT.



### 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 permitting process.

### V. PUBLIC COMMENT

Staff mailed notices to owners within 1000', published legal notice, and posted the properties March 17-21, 2025.

### VI. WAIVERS

None.

### VII. SUMMARY AND CONCLUSION

The applicant requests special use authorization approval to allow a marijuana establishment. The site has no permanent structures or established uses recognized by the county and is adjacent to existing business uses to the east. The property has frontage along Interstate 10 Business Loop and is bound to the north by Southern Pacific Railroad right-of-way. There are no sensitive uses (schools, churches, childcare facilities) in the vicinity and the project

site is approximately ½ mile west of residential development within Bowie.

**Factors in Favor of Approval**

1. Complies with all seven (7) applicable factors with conditions.
2. Appropriate location for retail uses and adjacent to established business uses.
3. No opposition from nearby property owners.

**Factors Against Approval**

None identified.

**VIII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends approval of Docket SU25-05 to allow a marijuana establishment subject to the following conditions:

1. Retail sales of marijuana-based products shall be conducted within a permanent building. Additional standards specific to marijuana uses are identified in Section 2.51.320 of the Zoning Regulations.
2. Sight-obscuring fencing and landscaping shall be used to screen refuse containers and outside storage areas.
3. Overnight truck parking will require a modification to the approved special use.
4. Improve parking areas and driveways with 2-inch gravel to reduce dust.
5. 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 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**

I move to approve Docket SU25-05 with conditions recommended by staff, the factors in favor of approval constituting the findings of fact.