



Development Services

520-432-9300
developmentservices@cochise.az.gov
www.cochise.az.gov
1415 Melody Ln, Bdg F
Bisbee, Arizona 85603

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Matthew Taylor, AICP, Planner II
FOR: Christine McLachlan, AICP, Director/Planning Division Manager
SUBJECT: SU25-09 (Contractor Yard)
DATE: June 11, 2025

Docket SU25-09 (Contractor Yard)

A Special Use Authorization request to allow a contract construction services yard.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Ernesto De La Cruz
Location: 3715 E. Keeling Road
APN: 105-40-021, 024B
Property Size: 2.6 acres
Zoning: R-36
Plan Designation: Neighborhood Conservation
Growth Area: B – Community Growth Areas
Existing Use: Contractor Yard
Proposed Use: Single Family Residential, Contractor Yard

Surrounding Zoning and Uses

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

II. SITE HISTORY

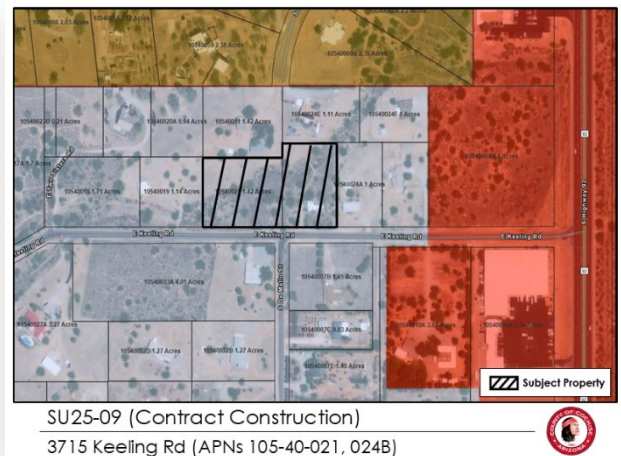
- 1978: Single family residence (since demolished)
- 2014: Code violation for abandoned and unsecured dwelling, property maintenance
- 2024: Applicant acquires property
- 2025: Active code compliance action for occupied recreational vehicle, contractor yard, building without permit, outside storage

III. SPECIAL USE AUTHORIZATION REQUEST

The applicant requests a special use to a contractor yard. Business hours are weekdays 7am to 3:30pm and employees visit the site, parking their personal vehicles and leaving in company vehicles with equipment and materials. The property is located on Keeling Road south of Sierra Vista, approximately 800' east of Highway 92.

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 seven (7) complying with or without conditions:



1. Compliance with Duly Adopted Plans: Does Not Comply

The property is designated *Neighborhood Conservation* and *Category B (Community Growth Areas)* by the Comprehensive Plan. The applicant applied for a special use to legitimize an existing contracting business on his property. Business activities are generally limited to parking vehicles and flatbed trailers and storing construction materials. While the base R-36 zoning district is consistent with the *Neighborhood Conservation* land use designation and R-36 allows contractor yards with an approved special use, the Plan designation does not necessarily support such as use. The Plan's *Neighborhood Conservation* designation identifies an area with an established residential character requiring protection of land uses generally occurring on parcels of one acre or less per the following criteria:

- *The area to be designated is a developed residential neighborhood that warrants protection from non-residential uses; or*
- *The area is an approved subdivision for which all the improvements are in place and constructed to minimum County standards.*

Neither the applicant's property nor the other 30 or so developed residential properties taking access from Keeling Road are within a platted subdivision. Lots generally range from just under one acre to two or more acres. Keeling Road functions both as a local road for residents and as a collector, routing local traffic to Highway 92, a major thoroughfare with General Business (GB) zoning and mostly non-residential land uses along its frontage. The applicant's property is located approximately 800' west of Highway 92 and less than 200' from the nearest business-zoned property. However, all adjacent parcels are also zoned R-36 with most having existing single family residences. While impacts to nearby residential properties can be mitigated, the area is decidedly residential in character and non-residential uses should be subordinate to an established, primary residential use.

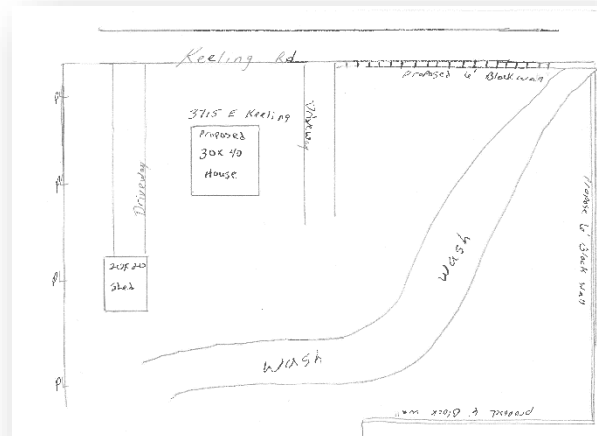
2. Compliance with the Zoning District Purpose: Partially Complies

Residential zoning districts, including R-36, are established for the following purposes:

- *To provide an area for families living at a variety of low to medium densities*

- *To provide an area where single-household dwellings, rehabilitated mobile homes, and manufactured homes can co-exist.*

All R districts are to facilitate residential development and, like all other rural and residential districts, have multiple districts based on minimum site area: R-9, R-18, and R-36 (measured in square feet). These districts also allow non-residential uses provided they comply with applicable site development standards of the district and include:



- *Churches or places of religious worship*
- *Civic, social, fraternal, or business associations (approved by the subdivision process for residents/guests)*
- *Community gardens*
- *Emergency vehicle stations*
- *Mobile, manufactured, and recreational vehicle parks*
- *Residential care homes (maximum 6 residents)*
- *Commercial riding stables (approved by the subdivision process for residents/guests)*
- *Utility installations (excluding electric generation, sewage treatment, landfills, incinerators)*

Numerous non-residential land uses are allowed in Residential districts with special use approval either as a stand alone use or in conjunction with an established principal residential use, including personal and professional services, day care facilities, farmers markets, grocery stores, health clinics, mini-warehouses, recreational facilities, and veterinary clinics/animal hospitals. Two of these uses are allowed in R-36 only, contract construction services, and manufacturing, wholesaling, warehousing, distribution, and/or storage of agriculture-related products.

Contract construction services are defined by the zoning regulations as:

- *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.*

The applicant is a general contractor that provides several services and requests the ability to park vehicles and construction trailers and store materials on his property. These activities are permissible in residential districts for personal use, but require special use approval for business purposes. The applicant does not propose a “store front” business where his property will be improved with an office or other customer-accessible facilities. Nonetheless, the applicant’s property is in an established residential area and most adjacent properties have existing residences. A special use may be appropriate for this use even in residential areas provided compliance with site development standards is achievable and potential off-site impacts on surrounding properties and residents can be effectively mitigated.

Parking and storage activities are generally low impact uses but can be visually intrusive in a neighborhood without proper screening, indicative of a use otherwise requiring business zoning to be allowed by right. While the zoning regulations allow contract construction uses on parcels zoned R-36, the location of the property itself in relation to established residential development poses challenges when attempting to make this type of non-residential use fit in within an established residential development pattern.



3. Development Along Major Streets: Not Applicable

The property takes access from Keeling Road, a minor access Local Road in county maintenance. The road extends about 2/3 of a mile west of Highway 92, providing primary access to more than 30 residential lots. Since the road is improved and maintained by the county, the applicant is required to obtain a county right-of-way permit to install a hard-surface apron for existing and any new proposed driveways.

4. Traffic Circulation: Complies

Keeling Road is a local road serving multiple residential lots, including the applicant's which is about 800' west of Highway 92. Given the size and scope of the business use as described in the application submittal, road reclassification or off-site improvements such as right-of-way dedication or traffic signals are not required. The only required improvement if the special use is approved is a hard-surface apron installed by the applicant on his property to minimize wear on the improved hard surface of Keeling Road.

5. Adequate Services and Infrastructure: Complies

The proposed special use involves parking vehicles and trailers and storing materials. Buildings accessible to employees or the general public are not proposed – additional services or infrastructure beyond what is currently available on the property are not required.

6. Significant Site Development Standards: Complies

Future site development must comply with applicable standards identified in Section 2.18 (*Residential Zoning Districts*) of the zoning regulations. The applicant has already cleared most of the property but is not proposing any new structures associated with vehicle/equipment parking or material storage. Any structures directly supporting the business will require a commercial building permit and all new structures must comply with applicable development standards such as building setbacks, building heights, and maximum site coverage.

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 500' on March 14, 2025, receiving comments from one owner concerned about the property becoming commercial.

**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: Business trucks are the most likely source of noise. The vehicles are not large trucks but typical pickup trucks pulling flatbed trailers. Staff recommends limiting hours of operation to offset potential impacts caused by vehicle noise.
- Lighting: Outdoor lighting relative to brightness and shielding is subject to Section 2.45 of the zoning regulations. The applicant has not proposed outdoor lighting specific to his business.
- Odors and Smoke: Since passenger type vehicles are used, off-site impacts caused odors or smoke are unlikely. Staff recommends hours of operation, screening, and landscaping to mitigate potential off-site impacts.
- Parking: The property totals about 2.6 acres and appears large enough to support both residential and business uses. The applicant does not propose off-site parking. Staff recommends a two-inch gravel surface or better to reduce dust.
- Landscaping: Staff recommends vegetation along secondary property lines to reduce impacts, particularly visual impacts, of vehicle parking and equipment and material storage on adjacent properties.
- Traffic: The County requires a right-of-way permit to install a hard-surfaced apron for driveways accessing Keeling Road.

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 are unlikely since the proposed special use does not involve new buildings or additional infrastructure but will be evaluated during the land clearing and use permit review process.

V. PUBLIC COMMENT

Staff mailed notices to property owners within 500', published legal notice, and posted the properties May 8-14, 2025, receiving comments both in favor and opposition.

VI. WAIVERS

None.

VII. SUMMARY AND CONCLUSION

The applicant requests special use authorization approval to allow a contract construction services yard on two parcels totaling about 2.6 acres. The use is allowed with special use approval in the R-36 zoning district but is not consistent with the *Neighborhood Conservation* land use designation assigned by the Comprehensive Plan. The property is located less than ¼ mile west of Highway 92, an established commercial corridor, but adjacent properties are also zoned residential with most having existing single family residences. The applicant intends to build a single family residence on the site for personal use, which could reduce the commercial character of the contractor yard, while also screening business areas from public view through the use of sight-obscuring fencing and vegetation.

Factors in Favor of Approval

1. Complies or partially complies with seven (7) of eight (8) applicable factors with conditions.
2. Support from a nearby property owner.

Factors Against Approval

1. Does not comply with one (1) applicable factor.
2. Contractor activities resulted in neighbor complaint and subsequent code action.
3. Opposition from nearby property owners.

VIII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends approval of Docket SU25-09 to allow a contract construction yard subject to the following conditions:

1. Land clearing and right-of-way permits are required.
2. Tax parcels 105-40-021 and 105-40-024B shall be combined.
3. A single-family residence shall be established as a principal use to maintain neighborhood character.
4. Business activities are limited to weekdays from 7am to 4pm.
5. Business-related parking and storage areas shall be screened along Keeling Road by a solid wall and remaining property lines by sight obscuring fencing and native drought-tolerant vegetation. Parking and storage areas shall be covered with two-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 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.
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 SU25-09 with conditions recommended by staff, the factors in favor of approval constituting the findings of fact.
