



## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Matthew Taylor, AICP, Planner II  
**FOR:** Christine McLachlan, AICP, Director/Planning Division Manager  
**SUBJECT:** SU25-11 (Patriot Trail Off-Site Wine Tasting Room)  
**DATE:** June 11, 2025

### **Docket SU25-11 (Off-Site Wine Tasting Room)**

A Special Use Authorization request for an off-site winery tasting room with sales and distribution.

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

Applicant: Chris Brinkmeyer  
Location: 5405 E. Patriot Trail  
APN: 305-55-062  
Property Size: 40 acres  
Zoning: RU-10 (Rural District, one dwelling per 10 acres)  
Plan Designation: Rural  
Growth Area: D – Rural Areas  
Existing Use: Vineyard  
Proposed Use: Vineyard with off-site tasting room, sales, and distribution

### **Surrounding Zoning and Uses**

North	RU-10	Undeveloped, Single Family Residential
South	RU-4	State Trust Land
East	RU-10	Single Family Residential
West	RU-4	State Trust Land

### **II. SITE HISTORY**

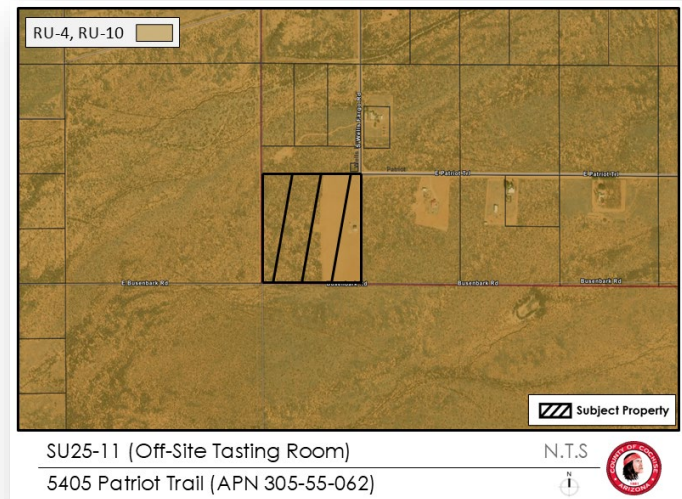
- 2022-2024: 30'X40' metal building, septic system, ag exemption (vineyard), single family residence
- No active code compliance actions

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

The applicant requests a special use for an off-site wine tasting room. The zoning regulations allow tasting rooms and incidental sales in conjunction with farm vineyards, wineries, and small or large production winery operations. The site's existing vineyard has not matured to the point of producing wine and the applicant requests the ability to bring wines produced off-site to his existing location to establish a tasting room.

#### **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 or without 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 with prevalent agricultural uses. This area, generally located about 12 miles southeast of City of Willcox jurisdiction, is characterized by rural residential development on lots ranging from 4 to 40 acres or more with large tracts of lands used for grazing and crop production. The applicant is not requesting a rezone or Comprehensive Plan amendment for the 40-acre site, preserving existing land use designations and rural zoning classification. The county issued an agricultural exemption in April of 2024 for five or more contiguous commercial acres of crop production (grapes), and the existing zoning and land use are consistent the current Plan designations.

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

Rural districts allow agricultural, residential, and non-residential activities. 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." Agricultural uses are allowed in all zoning districts but some business-oriented uses require special use approval, such as production, processing, manufacturing, wholesaling, and distribution of commodities in large quantities.

The applicant requests special use authorization to allow an off-site winery tasting room. On-site tasting rooms are allowed as an accessory use to an active vineyard where wines produced on site are available for sample and purchase. An off-site tasting room offers wines produced at another location which requires special use approval per county zoning regulations. The vineyard on the property is active but not at a maturity where grapes can be harvested and processed into wine.

##### **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

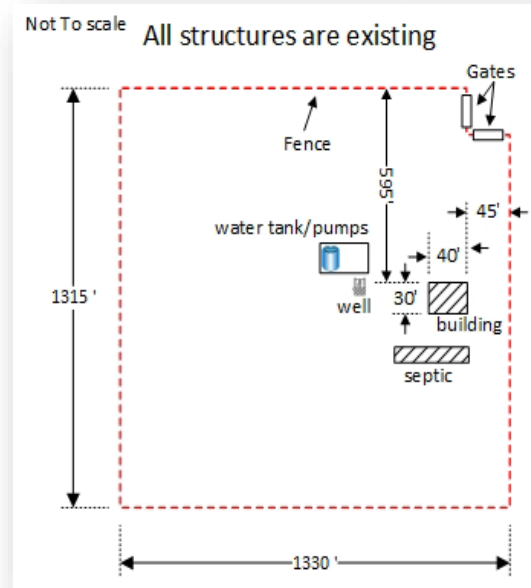
such measures promotes fewer road cuts to avoid potentially unsafe traffic conflicts, hazardous traffic congestion, and roadway obstruction caused by traffic. The property is located at the corner of Patriot Trail and Wells Fargo Road, both rural local roads. The nearest hard-surfaced road is Arzberger Road about ¼ mile north.

**4. Traffic Circulation: Not Applicable**

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.

County zoning regulations authorize agricultural uses in all zoning districts and some uses, such as vineyards, allow ancillary uses such as retail sales. Give the scale of the property’s use, 10 to 15 acres which will never exceed 40 acres in its current configuration, traffic to the site is unlikely to require re-classification of Wells Fargo Road or off-site improvements to handle increase traffic flows.



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

The property has an existing well, septic system, power, and 1200 square foot building permitted by the county. The applicant is not proposing any new structures or uses that would require significant upgrades to the site or local infrastructure.

**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. The applicant’s site plan demonstrates general compliance with applicable rural district development standards and existing as well as proposed new structures are subject to those same standards.

**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 ¼ mile on May 8, 2025.

**8. Hazardous Materials: Not Applicable**

Hazardous or dangerous materials are not proposed for this special use.

### 9. Off-Site Impacts: Complies

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: Property uses are unlikely to generate noise to the levels of being a nuisance. Most activities will occur within an existing building.
- Lighting: New lighting is not proposed, and all outdoor lighting must comply with Section 2.45 of the zoning regulations relative to height, shielding, and brightness.
- Odors and Smoke: New and proposed uses are unlikely to generate significant odors or smoke.
- Parking: Adequate parking is available onsite for the owners and guests. Off-site parking is not proposed. The property is located in Growth Area D which does not require parking or driveway improvements.
- Landscaping: Landscaping is not required for properties located in Growth Area D.
- Traffic: The applicant estimates 1-2 large vehicles and about 20 passenger vehicles per week with a maximum of 1-2 vehicles an hour during tasting room business hours. The distance between Arzberger Road, the nearest improved road, and the applicant's property is about  $\frac{3}{4}$  mile with two established residences.

### 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, applying to existing and future development of the site.

### V. PUBLIC COMMENT

Staff published legal notice, mailed notification letters to property owners within 1320', and posted the property May 8-14, 2025.

### VI. WAIVERS

None.

### VII. SUMMARY AND CONCLUSION

The applicant requests special use authorization approval for an off-site tasting room with sales and distribution. The county approved an agricultural exemption for the site in 2024 for a vineyard. Additional uses are not anticipated to require additional building area, and staff recommends a special use modification condition should the additional uses require new site infrastructure. The property's location at an intersection in an area with limited residential development renders it a good addition to Cochise County's wine industry.



**Factors in Favor of Approval**

1. Complies with applicable factors.
2. Support from an adjacent property owner.
3. Property abuts State Trust land.

**Factors Against Approval**

None identified.

**VIII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends approval of Docket SU25-11 to allow an off-site winery tasting room with sales and distribution:

1. Wine tasting room, sales, and distribution storage areas shall be housed in the existing building.
2. Total production and distribution of wines produced on- and off-site is limited to 40k gallons per year.
3. Expansion of the existing building or construction of new buildings for production, processing, and/or distribution require a special use modification.
4. 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.
5. 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.
6. 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 SU25-11 with conditions recommended by staff, the factors in favor of approval constituting the findings of fact.

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