



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, Planning Manager
FOR: Christine McLachlan, AICP, Director
SUBJECT: SU25-24 (Fort Grant Road Contract Construction Service)
DATE: October 8, 2025

Docket SU25-24 (Fort Grant Road Contract Construction Service)

A Special Use Authorization request to legitimize an existing contract construction business (well pump installation and repair).

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Kyle Wortman / Jennifer Wortman
Location: Charleston Road (Tombstone)
APN: 202-29-017A, 017D, 023A, 036
Property Size: 16 acres
Zoning: R-36
Plan Designation: Neighborhood Conservation
Growth Area: B – Community Growth Areas
Existing Use: Residential, contract construction service
Proposed Use: Residential, contract construction service

Surrounding Zoning and Uses

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

II. SITE HISTORY

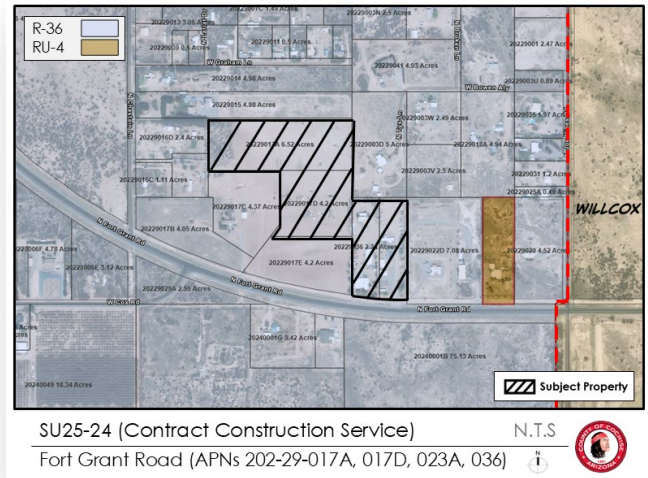
- 1978-2004: Single family residence (APN 036), mobile home (APN 023A); accessory structures, well, septic.
- 2016: APN 036 acquired by applicant; APN 023A acquired by W/W Services in 2019 (business established 2014).
- 2025: Active code compliance action for business in a residential zoning district (25-001994).

III. SPECIAL USE AUTHORIZATION REQUEST

The applicant requests a special use to legitimize an existing well pump installation and repair business. The site encompasses about 16 acres over four parcels. The business has about 10 employees and operates Monday through Friday with emergency repair services available on weekends.

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, nine (9) factors apply to this special use request with eight (8) factors complying with conditions:



1. Compliance with Duly Adopted Plans: Partially Complies

The subject property is designated “Neighborhood Conservation” by the Comprehensive Plan and falls within Growth Area B (Community Rural Areas). The existing R-36 zoning is consistent with the Plan land use but the existing non-residential use, though permitted with Special Use approval, is not consistent based on establishment 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.*

The Plan’s Neighborhood Conservation designation identifies an area as having an established, primarily residential character that needs special rezoning protections to maintain land use character that generally occurs on parcels one acre of less. Parcels in the area generally range from just under one acre to five acres and are not located within a platted subdivision but were instead created over the course of several years by a series of minor land divisions by multiple land owners. There are five properties that abut the project parcels, with either occupied or vacant residences, that are not related to the applicant (an additional three parcels that either front Fort Grant Road or are adjacent to the project parcels are owned by family members).

The Comprehensive Plan clearly discourages rezones to non-residential districts in area designated neighborhood conservation; however, two parcels have frontage along Fort Grant Road and the other two parcels are within 800’ of Fort Grant Road.

2. Compliance with the Zoning District Purpose: 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 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 (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 standalone 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.

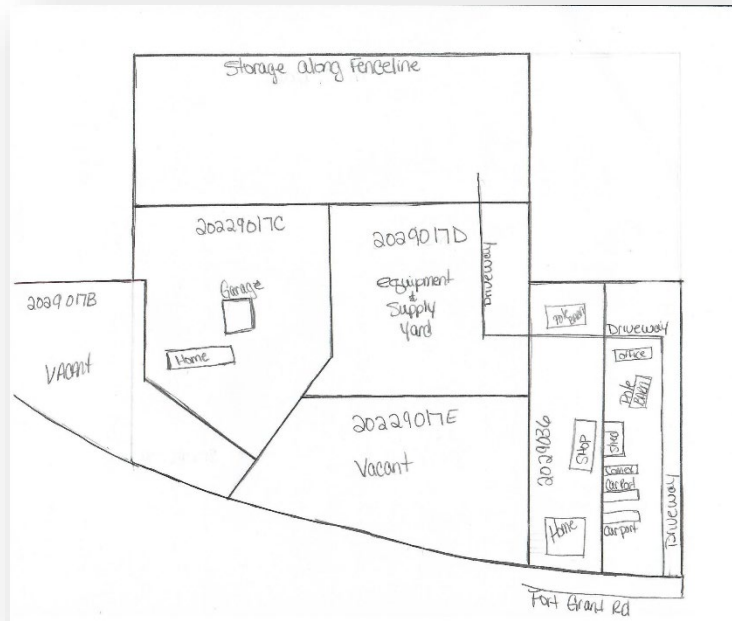
Contract construction services are defined by the zoning regulations as:

- *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 has an existing well pump installation and repair business that's been active since 2014. Two parcels along Fort Grant Road have existing residential structures and multiple accessory structures, one of which being used to access two additional parcels to the north that are used for vehicle, equipment, and materials parking and storage. The parcels are in an established residential area along the north side of Fort Grant Road about one mile west of Interstate 10 and most adjacent properties have existing occupied 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. Significant concerns have been raised by an adjacent property owner relative to quality of life and property value.

3. Development Along Major Streets: Complies

The property takes access from Fort Grant Road, an improved, County-maintained road with a Rural Major Collector functional classification. There are three driveways along the property frontage which encompasses two parcels. The County requires right-of-way permits to legitimize the existing driveways and hard-surface aprons are required along Fort Grant Road. 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.



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 takes access from Fort Grant Road, an improved road in County maintenance, and this major roadway's functional classification will not be impacted by the proposed use. Traffic impact analysis and off-site impacts are unlikely given vehicle trips to the site but may be evaluated further with subsequent permit applications.

5. Adequate Services and Infrastructure: Complies

The site has existing water, septic, power, and private refuse collection and is less than ¼ mile west of City of Willcox Fire Department service area. The applicant does not propose new structures supporting the special use; however, existing structures may be subject to review and compliance with commercial building standards.

6. Significant Site Development Standards: Complies

No new structures are proposed specifically to support the special use. Future site development, whether residential or non-residential, must comply with applicable standards identified in the zoning regulations, notably Section 2.18 (*Rural Zoning Districts*), and include bulk standards such as setbacks, height, distances between structures, and maximum lot 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 1,000' on June 24, 2025, receiving no responses.



8. Hazardous Materials: Not Applicable

Hazardous materials are not proposed for this special use. However, there are multiple propane and fuel dispensing tanks on-site that require safety certification.

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:

- **Noise:** Noise created by large vehicles likely impact adjacent property owners, the nearest being adjacent to three of the applicant's properties. Charleston Road, a major collector, generates significant traffic noise. The subject properties are located about $\frac{3}{4}$ of a mile from the truck stops to the east and about one mile from Interstate 10.
- **Lighting:** New lighting is not proposed but would be subject to Section 2.45 of the zoning regulations relative to brightness and shielding.
- **Odors and Smoke:** Odors and smoke created by business vehicles are likely to impact adjacent properties though dust has been identified as the primary impact. Given the business location along Fort Grant Road, noise and odors caused by high traffic volume is also occurring.
- **Parking:** Two-inch gravel shall be applied to driveways and parking areas on all four parcels to reduce off-site impacts related to dust and erosion. Vehicle, equipment, and materials storage should occur on parcel 017E which fronts Fort Grant Road, is accessible from existing business parcel 036, and is adjacent to other parcels owned by the applicant.
- **Landscaping:** Growth Area B requires landscaping (5' strip along roadways, 5% of site area).
- **Traffic:** The County requires a right-of-way permit and hard-surface aprons for existing driveways. The applicant estimates 10 passenger vehicle trips per day, having about 10 employees, with an additional 3-4 vehicle trips per week by large vehicles. Traffic to and from the site is highest during mornings and early evenings with business hours between 7am and 5pm. Traffic impacts are unlikely to require off-site improvements given relatively low traffic counts. The posted speed limit in the area is 55 mph.
- **Dust:** Impacts from blowing dust from cleared land used for parking and storage is the

10. Water Conservation: Not Applicable

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. Since the site has an existing well and is developed for both residential and non-residential land uses, water conservation requirements will be identified if the site is further improved.

**V. PUBLIC COMMENT**

Staff mailed notices to property owners within 600', published legal notice, and posted the property September 15-19, 2025. Staff has received several responses in favor and one response in opposition to date.

VI. WAIVERS

None.

VII. SUMMARY AND CONCLUSION

The applicant requests legitimizing an existing well pump installation and repair business on multiple residential parcels along Fort Grant Road. Five residential parcels with occupied single family dwellings adjacent to the subject parcels and one property owner has expressed concerns about impacts to their property (dust, noise, visual). The business use was established in 2014 and the County received a complaint in 2025, resulting in an active code compliance action that precipitated the special use request.

Factors in Favor of Approval

1. Complies with applicable factors.
2. Business uses are typically appropriate along major roadways, including arterials.
3. Support from nearby property owners, including an adjacent property owner.

Factors Against Approval

1. Opposition from an adjacent property owner.
2. Business activities resulted in a neighbor complaint and subsequent code action.
3. Off-site impacts (dust, noise, visual).

VIII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends approval of Docket SU25-24 to legitimize an existing contract construction service subject to the following conditions:

1. County right-of-way and floodplain use permits are required.

2. Hard-surface driveway aprons are required.
3. Propane and/or fuel tanks shall be certified by the State Fire Marshal's Office or applicable reviewing authority.
4. All vehicle, equipment, and materials parking and storage shall occur only on parcel 202-29-017E. Driveways and parking areas on parcels 202-29-017E, 023A, and 036 shall be chip-sealed to reduce dust and erosion. A block wall at least 6' in height with 5' strip of landscaping shall be built along the south property line of parcel 017E. If parking and storage activities continue to occur on parcels 202-29-017A and 017D, chip-seal is required to reduce dust and erosion, and a block wall at least 6' in height shall be constructed along property lines shared with parcels 202-29-003D, 015, 016D, and 016F.
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 SU25-24 with conditions recommended by staff, the factors in favor of approval constituting the findings of fact.