



## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Matthew Taylor, AICP, Planning Manager  
**FOR:** Christine McLachlan, AICP, Director  
**SUBJECT:** SU25-26 (Charleston Road Container Sales)  
**DATE:** October 8, 2025

### Docket SU25-26 (Charleston Road Container Sales)

A Special Use Authorization request to legitimize the retail sales and on-site storage of shipping containers.

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

Applicant: Matt Faulk  
Location: Charleston Road (Tombstone)  
APN: 609-05-004L  
Property Size: 4.15 acres  
Zoning: RU-4  
Plan Designation: Rural  
Growth Area: D – Rural Areas  
Existing Use: Shipping Container Sales  
Proposed Use: Shipping Container Sales

### Surrounding Zoning and Uses

North	RU-4	Undeveloped State Land
South	RU-4	Single Family Residences
East	RU-4	Undeveloped State Land
West	RU-4	Undeveloped State Land

### II. SITE HISTORY

- 2025: Building permit for a 3200SF opt-out residential storage building and three 40'X80' containers (BP25-000935, issued 7/30/2025); Right-of-Way permit for Charleston Road access (ROW25-000274, issued 7/30/2025)
- Previous code compliance action for unpermitted shipping containers over 200SF and shipping container sales without special use approval (25-002957, closed 9/4/2025).

### III. SPECIAL USE AUTHORIZATION REQUEST

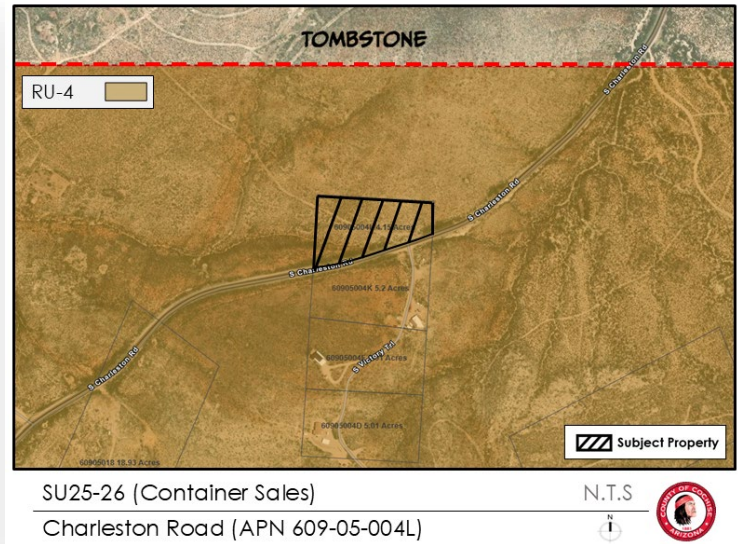
The applicant requests a special use to legitimize the retail sale of shipping containers. Containers range in size from 160 square feet to 320 square feet and are stored on the site. Permanent structures are not currently planned.

### 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 all applicable factors complying with conditions:

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

The subject property is designated “Rural” by the Comprehensive Plan and falls within Growth Area D (Rural Areas). Existing RU-4 zoning is consistent with the existing rural land use designation and non-residential uses may be appropriate in rural districts if they are in character with existing development and/or provide a service that can be utilized by area residents.



**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. Appropriate special uses can include 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 requesting special use approval for the retail sales of steel shipping containers. The sales business does not have regular hours and visits to the site are coordinated with each customer individually.

**3. Development Along Major Streets: Complies**

The property takes access from Charleston Road, an improved, County-maintained road with a Rural Major Collector functional classification. The County issued a right-of-way permit in 2025 for a driveway and will require a hard-surface apron along Charleston Road. The driveway is in a location previously used as a mine path. The County installed a “Hidden Driveway” about ¼ mile to the east since the driveway (and the Victory Trail alignment to the south) are along a curve). Further mitigation may be required to reduce accident risk. 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:

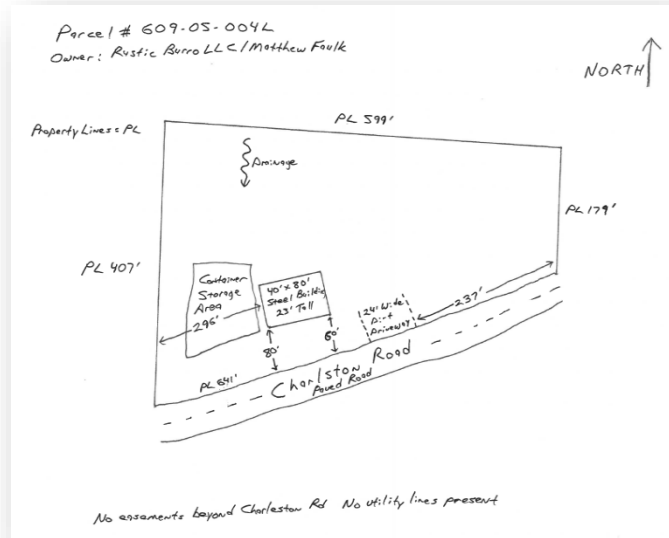
1. The request is consistent with the preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.

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 Charleston Road, an improved road in County maintenance, and this major roadway’s functional classification will not be impacted by the proposed use. Any required traffic analysis or additional on- or off-site improvements are pending.

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

The applicant does not propose permanent structures with the sales business and the site does not currently have water, septic, or power. Additionally, the applicant has received a permit for a residential storage building and indicates he may build a residence on the site in the future.



**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 2.15 (*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 August 28, 2025, receiving no responses.

**8. Hazardous Materials: Not Applicable**

Hazardous 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:

- Noise: As a proposed retail use, business activities will occur indoors with noise generation largely a result of vehicular traffic and potentially from loading and unloading the storage containers. Charleston Road, a major collector, generates significant traffic noise. The nearest residence about 400’ to the south of the subject property on Victory Trail and an additional two residences are within 1000’. Staff recommends limiting business activities to daylight hours as indicated by the applicant.

- Lighting: The site does not currently have outdoor 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: Given the subject property's separation from nearby residences by Charleston Road, impacts caused by odors and smoke generated by the business are unlikely.
- Parking: Two-inch gravel shall be applied to driveways and parking areas as needed to reduce dust and erosion.
- Landscaping: Growth Area D does not require landscaping.
- Traffic: There are no formal business hours and the applicant estimates about 5 vehicle trips per week. Traffic impacts are unlikely to require off-site improvements; however, the County may require further clearing or leveling of the property to improve site distances. The posted speed limit in the area is 50 mph.

### 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. Water conservation requirements will be identified if the site is further improved for commercial use with a permanent principal building.



### V. PUBLIC COMMENT

Staff mailed notices to property owners within 1000', published legal notice, and posted the property September 15-19, 2025. Staff received one response in opposition to date, citing traffic safety concerns given the property's location at a blind curve, visual blight, drainage and runoff, and perceived reduction in property values.

### VI. WAIVERS

None.

### VII. SUMMARY AND CONCLUSION

The applicant requests legitimizing an existing shipping container sales business. Containers range from 160 square feet to 320 square feet and some containers are stored on-site. The business is not a storefront business with regular hours and staffing but is instead coordinated with each individual customer.

#### Factors in Favor of Approval

1. Complies with applicable factors.
2. Business uses are typically appropriate along major roads, including highways.

**Factors Against Approval**

1. Opposition from a nearby property owner.
2. Business activities resulted in a complaint and subsequent code action.
3. Potential traffic conflicts given the property's location along Charleston Road where the roadway both curves and changes elevation.

**VIII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends approval of Docket SU25-26 to legitimize an existing shipping container sales business subject to the following conditions:

1. A County clearing permit and drainage analysis are required.
2. A hard-surface driveway apron is required. Two-inch gravel shall be applied to driveways and parking areas to reduce dust and erosion.
3. Container drop-off and pick-up is limited to daylight hours seven days per week.
4. Site work to include vegetation clearing and ground leveling shall occur to improve driveway sight distances along Charleston Road (to be verified by permit).
5. No more than 5 containers available for sale shall be stored on-site at a time. Containers for sale must be placed in the designated storage area depicted on the site plan, away from the driveway, road edge, and existing mine road. Containers shall be stored in a safe and stable configuration to maintain clear sight lines and prevent tipping.
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 SU25-26 with conditions recommended by staff, the factors in favor of approval constituting the findings of fact.