



## 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:** SU26-02 (Highway 82 Swap Meet)  
**DATE:** March 11, 2026

### Docket SU26-02 (Highway 82 Swap Meet)

A Special Use Authorization request to allow a swap meet.

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

Applicant: Charles Spegal  
Location: Highway 82 (approximately one mile east of Highway 90)  
APN: 106-25-043C and 043D  
Property Size: 2 acres  
Zoning: GB  
Plan Designation: Enterprise  
Growth Area: B - Developing  
Existing Use: Undeveloped, Swap Meet  
Proposed Use: Swap Meet

### Surrounding Zoning and Uses

North	GB	Business
South	R-36	Residential
East	GB	Residential
West	GB	RV Park

### II. SITE HISTORY

- 2025: Active code compliance action for operating a swap meet without Special Use authorization and non-residential use permit (#25-004697).

### III. SPECIAL USE AUTHORIZATION REQUEST

The applicant requests a Special Use Authorization request to allow a swap meet seven days per week between 9am and 4pm. Permanent structures and significant site improvements are not proposed.

### 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.

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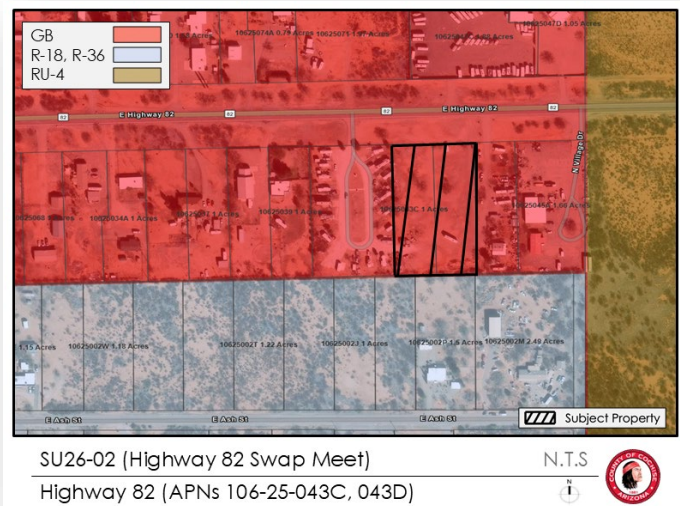
With the information provided, seven (7) factors apply to this special use request with all applicable factors complying or partially complying with conditions:

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

The subject property is designated *Enterprise* by the Comprehensive Plan and falls within *Growth Area B (Developing)*. The property's GB zoning is consistent with Plan designations, and establishment criteria for *Enterprise* is as follows:

- *The area consists of existing or proposed commercial or industrial enterprises.*
- *Enterprise development has reached the level whereby additional residential growth within the area to be designated is undesirable to the parties in interest.*
- *The area to be designated contains or can provide sufficient dedicated public access, improved to County standards, to carry traffic, which will be generated by and to such area.*
- *The infrastructure can accommodate enterprise uses.*

For approximately one mile east of Highway 90, the Highway 82 corridor is zoned GB but has a mixed use character leaning more towards single family residential than business uses. The area has established business uses, including a convenience store, tavern, outdoor storage, and multiple mobile home/recreational vehicle parks. The applicant's swap meet is a relatively low impact business use unlikely to generate significant noise, traffic, or other possible off-site impacts given its two acre size. Economic development is encouraged by the Plan and has become a more prominent policy position within the County in recent years, typically supportive of small business providing more diverse goods and services within the County's more rural areas. The applicant has not indicated an interest in establishing a permanent swap meet at this location and does not intend to invest significant resources in developing the site, suggesting a temporary business model.



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

The property is zoned GB as are all other properties about one mile east of Highway 90 along the north and south sides of Highway 82. This district is established for the following purposes:

- *To provide appropriate areas for office uses, retail stores, and service establishments in which the market area extends beyond the nearby neighborhoods.*
- *To provide wholesale or distribution activities in locations with adequate access to major streets and highways.*
- *To encourage concentrated development of commercial activities for the convenience of the public.*

- *To provide adequate space to meet the needs of commercial development, with adequate off-street parking and minimal traffic congestion.*
- *To protect commercial uses from objectionable influences of industrial uses as well as incompatible residential development.*

The Zoning Regulations identify swap meets as an allowed use in GB with special use approval:

- *A non-residential use outdoors or within a building in which stalls or sales areas are set aside, rented, or otherwise provided, and which are intended for use by various unrelated individuals to sell articles on a recurring basis.*

The property consists of two separate tax parcels which are undeveloped other than private well and power as identified in the application. The County received a complaint in December 2025 and validated the existence of a violation on December 31<sup>st</sup>, sending violation notices on January 5<sup>th</sup>. The applicant subsequently met with staff on January 16<sup>th</sup> to initiate the Special Use process.

The applicant does not propose significant site improvements and has requested multiple waivers from applicable development standards (improved on-site parking areas and driveways; screening; landscaping). A principal building is required by the zoning district which could include an office-type structure with restrooms (portable toilets are not permitted on a permanent basis). The applicant also owns the property immediately to the west which has an operating RV park with about 20 spaces. There are existing single family residences to the east and south.

Section 2.48 (*Temporary Uses*) identifies “outdoor retail sales of products” as an allowed temporary use in GB and industrial districts and in some residential and rural districts depending on Comprehensive Plan designation; however, this use is limited to seven consecutive days in any three month period.



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

This factor encourages reduction in the number of access points along major thoroughfares, arterial streets, and county collector roads by using frontage roads, shared access, no access easements, and other measures. The subject property is located along Highway 82 which is within Arizona Department of Transportation (ADOT) jurisdiction and the existing swap meet entrance is not improved. Preliminary comments from ADOTs Southcentral District include the following:

- *The proposed swap meet driveway is at an acceptable location. At that location, an improved asphalt driveway should be installed per Construction Std. Dwg. C-06.10 with radii of 25' to 40' (I think 30' would be most appropriate) and a width of 25' to 30'.*

**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.

The swap meet site has an existing unimproved entrance from Highway 82, which is under ADOT jurisdiction. ADOT will require an improved driveway through the right-of-way (ROW) permitting process but off-site improvements such as dedicated right or left turn lanes are not required.

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

The site is absent permanent buildings and has limited infrastructure (water, power), and the applicant does not intend to improve the site for permanent swap meet use. The site has power service through Sulphur Springs Valley Electric Cooperative (SSVEC) and is located within the Whetstone Fire District service area. The nearest fire station is located about two miles northwest at 2422 N. Firehouse Lane (Station #1). A principal building is required to legally establish this use and could include an office with customer-accessible restrooms.

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

The subject property totals about 2 acres and is undeveloped. The GB zoning district has numerous development standards such as building size and height, lot coverage, and setbacks (*Section 2.33 of the Zoning Regulations*) and the property's growth area category includes additional development standards related to improved parking and driveways, screening, and landscaping (*Section 2.51*). The applicant requests several waivers for site improvements 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 mailed notices to property owners within 600' on January 16, 2026.

**8. Hazardous Materials: Not Applicable**

The use or storage of hazardous materials are not proposed.

**9. Off-Site Impacts: Complies**

This factor is intended to ensure adequate measures are 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: The applicant proposes limiting hours of operation to daylight hours (9am and 4pm) which will reduce potential impacts on two adjacent residential properties.
- Lighting: Outdoor lighting is not proposed but regulations relative to brightness and shielding applies to all properties within the county (Section 2.45 of the Zoning Regulations).
- Odors and Smoke: Outdoor storage, display, and sales not involving the use of equipment or machinery is proposed – significant generation of odors or smoke are unlikely to require mitigation.
- Parking: The site has an existing unimproved driveway and parking area. Growth Area B requires improved on-site driveways and parking areas. The applicant requests a waiver to keep existing unimproved driveway and parking surfaces while staff recommends 2" gravel to reduce dust.
- Landscaping: Growth Area B requires landscaping (5' strip along Highway 80 and 5% of the developed site). The applicant is requesting a waiver of this requirement as well as for perimeter screening.
- Traffic: ADOT requires an improved driveway through the ROW permitting process but preliminary comments suggest no additional off-site improvements or traffic analysis will be required.

#### **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 such as low-flow fixtures, and applicable water conservation regulations and policies identified in the zoning regulations and comprehensive plan are typically identified at permitting. The property is located within the Sierra Vista Sub-Watershed and has access to water via private well.

#### **V. PUBLIC COMMENT**

Staff mailed notices to property owners within 600', published legal notice, and posted the property February 13-18, 2026.

#### **VI. WAIVERS**

The applicant does not intend to improve the site for permanent swap meet use and requests waivers from development standards found in Sections 2.33 and 2.51 of the Zoning Regulations (permanent building(s), improved parking and driveways, screening, landscaping).



#### **VII. SUMMARY AND CONCLUSION**

The applicant requests special use authorization for a swap meet. As submitted, the special use request complies or partially complies with applicable factors identified in the Zoning Regulations to evaluate special use authorization requests.

#### **Factors in Favor of Approval**

1. Complies with applicable factors.
2. Business uses are appropriate along major roadways, including highways and arterial streets.

**Factors Against Approval**

1. Waivers from driveway, parking, screening, and landscaping development standards.

**VIII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends approval of Docket SU26-02 to allow a swap meet with the following conditions:

1. Swap meet driveway access shall comply with ADOT requirements (Construction Standard Dwg. C-06-10).
2. Internal driveways and parking areas shall be covered with 2" gravel to reduce dust.
3. A 6' solid screen or landscaping that achieves the equivalent screening goal over time is required along the east and south property lines.
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 18 months of approval or within time limits specified by the Planning and Zoning Commission.
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 may require re-hearing before the Planning and Zoning Commission.

**Sample Motion**

I move to approve Docket SU26-02 with conditions recommended by staff, the factors in favor of approval constituting the findings of fact.

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