



**Staff Report
to the
Board of Supervisors**



Parcel 301-19-007R

**CUP 14-02
Planning & Zoning Commission Hearing
April 17, 2014**

I APPLICATION

Applicant Name	Ray Stephens
Applicant Address	PO Box 1461, Pine AZ 85544
Site Address	3465 Harps Way, Pine, AZ 85544
APN Number	301-19-007R
Current Zoning	R1-D12 Intent and Purpose: To promote the development of areas primarily of single family dwellings, intending that all other uses be installed, operated and maintained in a manner so as to either complement, or at least be of a minimum disruption to such single family uses. Any use not in accordance with the Intent and Purpose, District Stipulations and Provisions, and Permitted Uses as set forth in this section shall be deemed a nuisance.
Current Comprehensive Plan Designation	Residential 2.0-3.5 du/acre: The Residential 2.0-3.5 category denotes the areas of the county where low-density detached residential suburban development is preferred. The Residential 2.0-3.5 land use designation includes private lands where adequate community facilities, access and emergency response services are available to allow the division of land into smaller individual lots or parcels. Additional uses permitted within the Residential 2.0-3.5 category shall include farming, ranching and those uses otherwise permitted by state statute. Other non-residential land uses may be permitted if allowed in the zoning district designated for the parcel, if located on a cumulative total of less than two acres and if separated and buffered from adjacent existing residential uses and adjacent residentially-designated (on the Land Use Plan) uses.
Application Number	CUP-14-02

II Purpose & Description

The applicant wants to have a winery added to their canned foods business. The hours of operation will be from 8 AM to 4 PM during the weekdays. All business operations will take place inside the home in the basement.

III Background

The applicant has an approved site plan for the cannery business that has been reviewed and approved by the Community Development Department, the Health

Department, the Building Department and the Fire Department. This was not the correct process. They should have had a conditional use permit.

IV Zoning Regulations

The zoning for the property is R1-D12. This zoning allows a cottage industry. The regulations for a home occupied business are as follows:

COTTAGE INDUSTRY: A limited manufacturing activity carried on by the occupant of a dwelling as a secondary use in connection with which there is no outdoor display of stock-in-trade or unenclosed storage of raw materials or products; not more than three non-residents of the premises may be employed; may be conducted within the main dwelling or an accessory building, provided that not more than fifty percent of the combined floor area may be devoted to the cottage industry; adequate on-site parking will be provided for all permitted activities, but there shall be no more than five parking spaces; the permitted use will not generate vibration, smoke, dust, glare, heat, excessive noise or electrical interference with the reception of radio and television reception.

The applicants do not own this property they rent the property, but there is a notarized letter from the property owner on file which allows them to apply for the conditional use permit for a cottage industry.

V Summary



The cottage industry operates solely within the basement of their home, but it does appear to utilize more than the 50% floor space requirement. At this time there does not appear to be visible signs of business activities from outside the home. Mr. Stephens stated that they may also have more than one non-resident working with the business.

Staff does have concerns that this business is growing to a point where they are close to outgrowing a cottage industry in the home. Even though the number of employees only comes once in a great while our regulations state that there should be no more than one nonresident working with the business. They also have weekend classes that bring several students to the property.

At the current time there does not appear to be any visible signs that this business is operating from outside the property.

VI Recommendation

Staff concurs with the Planning and Zoning Commission's recommendation for the Board of Supervisors to approve Planning and Zoning Department Case No. CUP-14-02 with one added condition listed below as number 7.

1. That no more than two employees that are nonresidents may be employed at any given time.
2. That the current floor area being used in the business, in the basement of the home is acceptable with no expansions into other areas of the home.
3. That prior to initiating the winery business the applicant shall submit approval to operate from the Gila County Health Department
4. No business activities or advertising shall be visible from the roadway or adjacent properties
5. That the use does not cause any sustained or unpleasant or unusual noises or vibrations or noxious fumes or odors, or cause any parking or traffic congestion in the immediate neighborhood.
6. No on-street parking
7. Prior to opening the winery business, the applicant shall submit a copy of a Series 13 Domestic Farm Winery License issued by the Arizona Department of Liquor Licenses and Control.