



**Cochise County**  
**Community Development**  
 Planning, Zoning and Building Safety Division

Public Programs...Personal Service  
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**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Robert Kirschmann, Planner II  
**FOR:** Daniel Coxworth, AICP, Development Services Director  
**SUBJECT:** Docket Z-19-06 (Latham)  
**DATE:** July 30, 2019 for the August 14, 2019 Meeting

**APPLICATION FOR A REZONING**

The Applicant is requesting a rezoning from SR-8 (Single Family Residential; one dwelling per 8,000 square feet) to GB (General Business). The request is to allow for the future construction of a 27 room motel on the two lots. The subject parcels total 22,316 square feet in size.

The subject parcels, APN 203-49-242 & 243, are located in the vacant Cochise Recreation Area Subdivision, Unit Two on 1<sup>st</sup> Avenue unincorporated Willcox. They are further described as being situated in Section 08 of Township 14 South, Range 25 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Devour Latham.

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

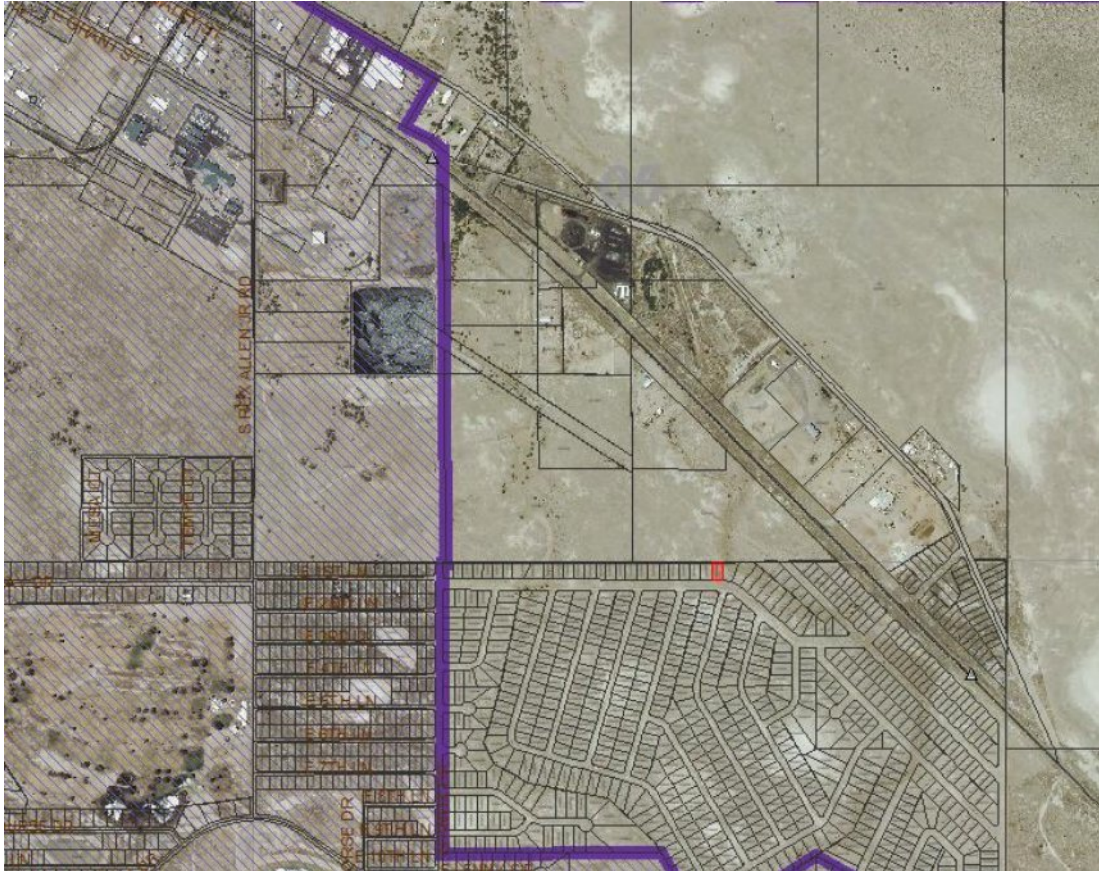
Parcel Size: 22,316 square feet  
 Current Zoning: SR-8 (Single Family Residential; one dwelling per 8,000 square feet)  
 Proposed Zoning: GB (General Business)  
 Growth Area: B- Community Growth Area  
 Current Plan Designation: Developing  
 Area Plan: None  
 Existing Uses: Vacant land  
 Proposed Uses: Motel

**Zoning/Use of Surrounding Properties**

<b>Relation to Subject Parcel</b>	<b>Zoning District</b>	<b>Use of Property</b>
North	HI	Vacant land
South	SR-8	Vacant land
East	SR-8	Vacant land
West	SR-8	Vacant land

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 highway@cochise.az.gov  
 floodplain@cochise.az.gov



**II. PARCEL HISTORY**

N/A

**III. NATURE OF REQUEST**

The Applicant is requesting to amend the zoning of his 22,316 square feet, two parcel site. The parcels are located in the vacant Cochise Recreation Area Subdivision. There is no physical access to the parcels. The plat boundaries are fenced off and used for grazing activities. There is evidence that roads were graded at some point but have not been used in some time. The request would change the parcel from Single Household Residential to General Business. There is no development adjacent to the site

All parcels with the subdivision are zoned as Single Household Residential, including those fronting on Highway 186 (Maley Street). The large lot north of the tract is vacant but designated as Heavy Industrial.



*Above, End of First Street approximately 1,800 from the parcels*

**V. ANALYSIS OF REZONING IMPACTS**

**Mandatory Compliance**

Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "B" Community Growth Area and is currently considered an "Developing" area per the Comprehensive Plan.

**Compliance with Rezoning Criteria**

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Fourteen of the criteria are applicable to this request. Eleven of the factors are not met and three are met.

**1. Provides an Adequate Land Use/Concept Plan: Does not comply**

The site plan provided by the applicant does not provide sufficient information for staff to determine if the proposed use will be able to meet applicable zoning standards including setbacks, parking, height, landscaping, screening, site coverage, etc.

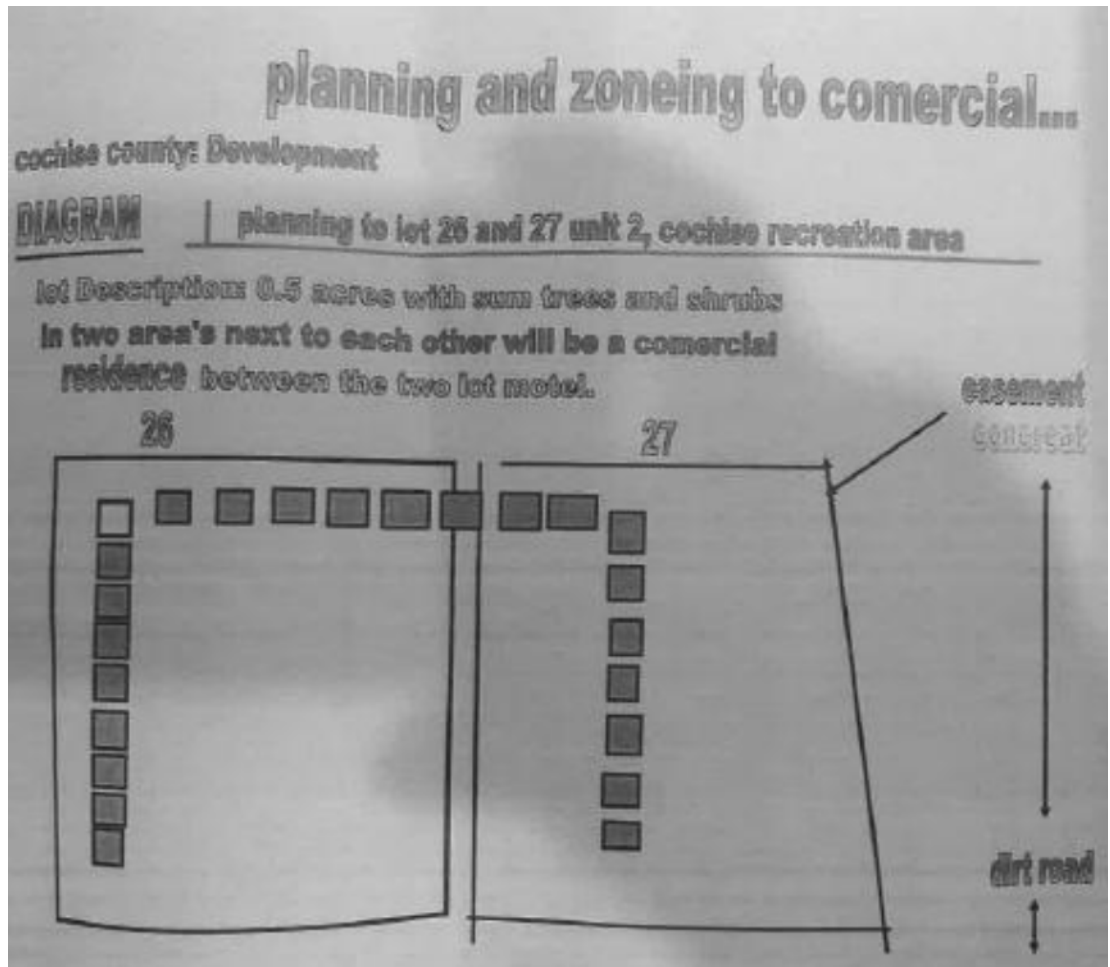
**2. Compliance with Applicable Site Development Standards: Does not comply**

As noted above, the plan provided does not provide enough information for staff to review the application. However, it appears that the proposed development is too large for the site.

Specifically, the Zoning regulations require one parking stall per guestroom and one space per three employees. The application states there will be 27 rooms, but only 14 parking stalls.

**3. Adjacent Districts Remain Capable of Development: Complies**

Although the proposed rezoning will not result in the reduction of remaining adjoining Zoning Districts to a size or shape incapable of reasonable development for typical uses, this rezoning is only 22,316 square feet in an existing residential subdivision. The size of the rezoning may result in the creation of an undevelopable property and/ or reduce the desirability of the surrounding residential lots.



#### 4. Limitation on Creation of Nonconforming Uses: Complies

This factor pertains to creating non-conforming uses on the site to be rezoned. There are no uses on the section proposed under the request, so no non-conforming uses will be created.

#### 5. Compatibility with Existing Development: Does not Comply



The site is located within an existing platted subdivision. There are large parcels located directly north of the vacant subdivision zoned as Heavy Industrial. Typically, Commercial would serve as a proper transition between the densities. However, since the parcels would only buffer 180 linear feet of a 2,700 lineal foot boundary this is not a significant buffer. Further, the only access to this property will be through the vacant subdivision, staff does not believe that bringing this commercial traffic in is appropriate. Finally, buffers will be required when the Industrial property is developed in the future.

#### 6. Rezoning to More Intense Districts: Does not Comply

The applicant has not adequately demonstrated that the surrounding properties will be protected from the impacts of this development. Based upon the application materials there is not adequate screening, setbacks, parking or traffic mitigation provided. As mentioned above, this district would only buffer 180 lineal feet of the subdivision from the industrial district to the north.



Based on discussions with the City of Willcox water and sewer services are almost a mile away from the parcels.

As the graphic at the right from SSVEC demonstrates single phase electric is 1,000 feet away and three phase is ~1,700 feet away and would require easements.

Finally, the parcels are not large enough to accommodate a well and septic system.

#### 7. Adequate Services and Infrastructure: Does not Comply

The application does not provide adequate information to evaluate the impacts this development may have on the area roads. Currently, there is no physical access to the parcels. The picture located to the left is of 1<sup>st</sup> Street at Rex Allen Jr. Road. First Street is an unmaintained County Road which ends at a fence approximately 1,800 feet from the subject properties.



**8. Traffic Circulation Criteria: Does not comply**

As noted above, there is currently no physical access to the parcels. The application does not provide any plans or indication of how adequate access to the parcels will be provided. Further, even if the access issue were to be resolved, the Comprehensive Plan Transportation Element discourages bringing commercial traffic into a residential area.

**9. Development Along Major Streets: Does not comply**

Rezoning's to General Business "shall not result in the use of any residential street for through traffic to and from the proposed district". The District is located in a vacant residential subdivision and therefore access will be through the residential area. Sufficient information has not been provided to evaluate the impact on the surrounding area.



**10. Infill: Does Not Comply**

The parcels are not located within a developed area. As previously mentioned, there is not physical access to the parcels. The goal is to encourage commercial and industrial development where it already exists and to not extend it into undeveloped areas such as this.

**11. Unique Topographic Features: Complies**

There are no obvious applicable features to be protected as this is located in a platted subdivision.

**12. Water Conservation: Does not Comply**

The parcels are not located within the Sierra Vista Sub Water shed, however, not enough information is provided to determine what water conservation measures are proposed.



**13. Public Input: Does not Comply**

The Applicant completed a Citizen Review and has not indicated if he has received any feedback. Staff mailed notices to neighboring property owners within 1,000 ft. of the subject properties, posted the site and published the legal notice. While, not an overwhelming majority of property owners responded we did receive two responses in opposition to the request. The opposition cited compatibility with future residential uses, access, flood issues, and concern about the applicant's intent.

**14. Hazardous Materials: Not Applicable**

No hazardous materials are proposed.

## 15. Compliance with Comprehensive Plan: Does not Comply

There are no area or master development plans on the parcels. However, the parcels are part of a vacant residential subdivision.

Several Comprehensive Plan policies are applicable to the request including:

Land Use Element, Goal 1, Policy a states: *New intensive development should be located in areas designated for growth and higher densities in close proximity to adequate facilities and infrastructure, particularly in category A and B Growth Areas.*

Though the parcels are designated for Growth in category B, there is no infrastructure in the vicinity to support the proposed project.

Land Use Element, Goal 3, Policy g states: *Small, isolated rezonings, also known as "spot zonings" should be discouraged.*

The proposed rezoning would be creating a small, less than one acre area of commercial.

Transportation Element, Goal 1, Policy L,I states: *Commercial developments shall be discouraged from accessing directly into street that primarily serve residential areas.*

Though the subdivision is not developed, it is clearly designed for residential development. Bringing commercial traffic into residential area is not appropriate.

## **V. PUBLIC COMMENT**

In response to County mailings, the Planning Department has received two responses in opposition to the request.

## **VI. SUMMARY AND CONCLUSION**

The request is for a rezoning from SR-8 (Single Family Residential; one dwelling per 8,000 square feet) to GB (General Business) to allow for the construction of a 27 room motel. The request is located in a platted, vacant subdivision with no physical access or utilities. The rezoning would be considered "spot zoning" and does not have adequate infrastructure.

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

1. If the motel is constructed there would be additional accommodations available in this area of the County.

### **Factors Against Approval**

1. Allowing the request would not be in keeping with the pattern of the existing platted subdivision or with the widely scattered single family homes to the west;
2. The Comprehensive Plan policies prescribe: *new intensive development should be located in areas designated for growth and higher densities in close proximity to adequate facilities and infrastructure*, there is no existing infrastructure;
3. The proposed rezoning would be considered a "spot rezoning" under the Comprehensive Plan and should be discouraged;
4. The application provided is incomplete to conduct an appropriate level of review to determine the full impact of the proposal; and
5. Two letters of opposition have been received.

## **VII. RECOMMENDATION**

Based on the factors against approval, Staff recommends forwarding the request for a rezoning, from a from SR-8 (Single Family Residential; one dwelling per 8,000 square feet) to GB (General Business)to the Board with a recommendation of **denial**.

Should the Commission recommend approval the following Conditions are recommended:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning;
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations;
3. The applicant shall provide a complete, clear and detailed site plan which meets the minimal submittal requirements;
4. The applicant shall provide Engineered Plans for improvements to First Avenue to the Satisfaction of the County Engineer;
5. The Applicant will submit plans and obtain approval for access from State Highway 186 (Maley Road) from ADOT.
6. All development will comply with County water conservation regulations adopted at the time of construction.

## **VIII. ATTACHMENTS**

- A. Application
- B. Location Map
- C. Public Comment