



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

APPLICATION TO AMEND THE COCHISE COUNTY COMPREHENSIVE PLAN

Applicant Name: Christine McLachlan, Cochise County planner

Mail Address: 1415 Melody Lane, Building F Bisbee, AZ 85603

Email Address: cmclachlan@cochise.az.gov

Phone Number(s): 520-432-9266

Parcel Number(s): 104-10-107A, 104-10-106, 104-10-105, 104-10-104, 104-10-090

4686 E Hereford Rd. Hereford, AZ 85615 7233 S Highway 92 Hereford, AZ 85615

4690 E Hereford Rd. Hereford, AZ 85615 4770 E Hereford Rd. Hereford, AZ 85615

Parcel Address(es): 4734 E Hereford Rd. Hereford, AZ 85615

Date 10/29/19 **Fee Paid:** Yes No (Payable to Cochise County Treasurer)

(Application will not be processed until fee is paid)

**FILL OUT THE REMAINDER OF THE APPLICATION - BE AS COMPLETE AS POSSIBLE -
ATTACH ADDITIONAL SHEETS IF NECESSARY**

1. Plan Amendments Proposed – If you seek a rezoning, it may require amendments to both the Cochise County Comprehensive Plan Growth Area Categories and Land Use Designations. It is advisable to work with a Planning Department staff planner to decide the necessary amendment (s).

a) Growth Area Amendment

Existing Growth Area Category Category B – Community Growth Areas

Proposed Growth Area Category Category B – Community Growth Areas

b) Land Use Designation Amendment

Existing Designation Neighborhood Conservation (NC)

Proposed Designation Developing (DEV)

c) Existing Zoning MH-72 Proposed Zoning GB

STAFF USE ONLY

Is Growth Area/Plan Designation Compatible with proposed Zoning? No, rezoning is required

2. Describe the location and boundaries of the proposed Plan Amendment(s). A rezoning request may only affect one parcel. Plan amendments, however, raise larger issues such as whether or not current or future growth patterns in an area are different than those indicated by the existing Growth Category and Designation. For this reason a plan amendment may involve evaluating a larger area than a specific site for a rezoning. If this is the case, the planner may request that the Plan amendment boundaries be expanded.

A. Major Street and Street Intersections: The parcels are located on the SE corner of Highway 92 and Hereford Road.

B. Attach a map showing the boundaries of the proposed Amendment; label streets and other important landmarks such as Township, Range and Section lines.
Map Attached: Yes X No _____

3. **Explain the reason that the proposed Plan amendment is justified.** Growth Areas and Plan Designations are designed to give a measure of protection to the existing character of an area; for example, requiring that only residential uses and densities or neighborhood-oriented businesses develop in existing neighborhoods. To justify an amendment, it is important to cite specific examples of

existing or future growth that do not fit with the pattern of growth implied by the existing Growth Area or Designation or to demonstrate that proposed new development is large enough to warrant a new Growth Area.

The current land use designation of Neighborhood Conservation (NC) designation identifies areas that have an established character which is primarily residential. The proposed land use of Developing (DEV) identifies areas experiencing non-rural growth rates that are developed with scattered, mixed residential, business or industrial and agriculture-related uses and that ultimately will accommodate future growth.

While the subject parcels are developed, and currently used, for residential use, the character of the surrounding area has become increasing urban and mixed-use over the past decade. Moreover, the location of the subject parcels is at the highly visible intersection of a minor arterial (SR-92) and major collector (Hereford) road. It is the opinion of staff that single family residential is not the highest and best use of the subject parcels and a change in land use from NC to DEV could promote redevelopment that would better serve Hereford community residents.

Applicant Signature: Christine McLachlan

Property Owner Signature (if not the Applicant): see attached authorization letters

Print Property Owner Name: Ryan and Summer Despain (104-10-090), John Williams (remaining parcels)

Date of signature of property owner: see attached authorization letters



Cochise County
Community Development
 Planning, Zoning and Building Safety Division
Public Programs...Personal Service
 www.cochise.az.gov

COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Development Department
 1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: Christine McLachlan, Cochise County planner

2. Mailing Address: 1415 Melody Lane, Building F

<u>Bisbee</u>	<u>Arizona</u>	<u>85603</u>
City	State	Zip Code

3. Telephone Number of Applicant: 520-432-9266

4. Telephone Number of Contact Person if Different: _____

5. Email Address: cmclachlan@cochise.az.gov

6. Assessor's Tax Parcel Number: see below (Can be obtained from your County property tax statement) 104-10-107A, 104-10-106, 104-10-105, 104-10-104, 104-10-090

7. Applicant is (check one):

- Sole owner: _____
- Joint Owner: _____ (See number 8)
- Designated Agent of Owner: X
- If not one of the above, explain interest in rezoning: _____

7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:

- List attached (if applicable): X

8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

- If corporation, corporate resolution designating applicant to act as agent: _____
- If partnership, written authorization from partner: _____
- If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application. See attached

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: _____
- Copy of title report: _____
- Copy of tax notice: _____
- Other, list: _____

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes _____ No X

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes X No

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: MH-72 (Mobile Home District, one dwelling per 7,200 SF)

14. Indicate proposed Zoning District for Property: GB (General Business)

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: Cat. B (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: NC (A County planner can provide this information.)

Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.

17. Describe all structures already existing on the property: Parcel 104-10-090 contains one manufactured home, Parcel 104-10-104 contains the base foundation of a demolished structure, Parcel 104-10-107A contains one mobile home, Parcel 104-10-106 contains two mobile homes, Parcel 104-10-105 contains one mobile home

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: No immediate changes are proposed.

19. Are there any deed restrictions or private covenants in effect for this property?

- No X Yes _____
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes _____ No _____

- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

There are currently three ingress/egress points that service the subject parcels and one ingress/egress point on SR-92. There is a dedicated easement that serves parcels 104-10-107A, 104-10-106, and 104-10-104 directly to their east. A commercial development, which consolidates the parcels onto one site plan could reduce the number of ingress/egress points in half, (one access point on Hereford Rd, one on SR-92).

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? none

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? There are currently four, a change in use from residential to commercial could reduce the total number of required access points to two.

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	Bella Vista Water	
Sewer/Septic	existing septic	
Electricity	SSVEC	
Natural Gas	AmeriGas	
Telephone	Century Link	
Fire Protection	Fry Fire District	

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed).

The subject parcels are currently zoned MH-72, which is an old zoning designation that now falls under the requirements of MR-2. The intent of MR-2 zoning is to provide high-density residential development in locations with adequate infrastructure and protect residential development. General Business (GB) is the proposed zoning for the subject parcels. The GB category encourages concentrated development of commercial activities for the convenience of the public.

As the Hereford community has grown, a commercial node at the intersection of SR-92 and Hereford Rd. has begun to develop. This node includes a post office, medical center, a retail store and three restaurants. To date, retail/commercial activity has developed only on the western side of SR-92, which is on the opposite side of the SR-92 from most Hereford residents/customers. The expansion of the GB zoning pattern to the eastern side of intersection, which is closer to the residential population, will reinforce the existing node and ultimately better serve the needs of the greater Hereford community.

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: Christine McLachlan

Date: 10/29/19

CONSENT SIGNATURE FORM

factors with which to measure and analyze the appropriateness of the proposed rezoning. An analysis of how the Project addresses these evaluation factors is required for staff report to the Commission and Board. The Rezoning application must provide sufficient information for staff to make this analysis.

Rezoning Evaluation Factors:

1. Application. The Application Site Plan must provide sufficient information to determine that the proposed size and layout would comply with the applicable uses and standards for the types and intensity of uses permitted in the requested zoning district.
2. Compliance with Site Development Standards. Each parcel must meet the site development standards of the proposed zoning district including minimum lot size, setbacks, lot coverage, driveway width, parking and ADA-access requirements. The rezoning Concept Site Plan should show how these standards would be met.
3. Adjacent Districts Remain Capable of Development. Adjacent parcels should be able to meet minimum lot size and development standards of the remaining zoning district.
4. Limitation on Creation of Nonconforming Uses. The subject property should contain no structures or uses that would not be permitted or would not meet development standards of the new district.
5. Compatibility With Existing Development. The proposed rezoning district should be compatible with existing development in the vicinity.
6. Rezoning To More Intense Districts. The proposed new district should:
 - Be buffered by an intermediate district of sufficient size to provide a reasonable transition of intensity from the existing area (as a guide, a reasonable transition is considered to be a difference of intensity or density of two levels as described in Section 2208.02);
 - Be a reasonable extension of a similar density district within the area; and
 - Provide a transition between an existing less intense district and a more intensive district or an arterial street; or
 - Provide adequate protection to the adjacent less intense development in the form of enhanced screening, landscaping, setbacks, large lot size, building orientation or other design measures.
7. Adequate Services and Infrastructure. The following factors are used to determine if there are adequate services and infrastructure to serve an intensification of zoning:
 - (a) For a rezoning to a more intensive district, the applicant has provided adequate information to evaluate the impacts of the rezoning on roads, other infrastructure, and public facilities. The applicant must demonstrate that there are adequate provisions to address the impacts identified. The applicant shall provide data supporting the estimated traffic volumes as part of the application.
 - (b) If the site accesses on a road where existing demonstrable traffic problems created by incremental development have already been identified, such as a high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant has proposed a method to address these problems.
 - (c) The proposed development meets or will meet the applicable requirements for street, sewer, or water improvements.
 - (d) The site has access to streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by the use.
8. Traffic Circulation Criteria.
 - (a) Any rezoning shall be consistent with preservation of the functions of surrounding streets as defined in Section 102.B.3 (a through g) of the Comprehensive Plan. [see page 11 of the Comp Plan]
 - (b) If the rezoning is to GB, LI or HI, the development shall not result in the use of any residential street for through traffic to and from the proposed district.
 - (c) Consideration of future circulation needs in the surrounding area have been taken into account through right-of-way dedication and off-site improvements if warranted.

9. Development Along Major Streets. The rezoning size [the size of the land area to be rezoned] limits the number of access points on major thoroughfares or arterial streets, and County collectors through the use of frontage roads, shared access, no access easements or other safe methods designed to minimize road cuts that create unsafe traffic conflicts, hazardous traffic congestion and obstruct the functioning of arterials.

10. Infill. If rezoning to GB, LI or HI, the site is in an existing Enterprise or Enterprise Redevelopment plan designation area. This factor is designed to encourage infill in areas where commercial and industrial development already exists, thereby discouraging sprawl and locating new non-residential developments where adequate infrastructure may already exist and where they are most likely to be compatible with existing uses.

11. Unique Topographic Features. A rezoning to a more intensive zoning district shall not take place if there are areas of unstable soils, steep slopes, severe washes, floodplains, etc. which are not appropriate for intense development. Rezonings encompassing such areas will be discouraged unless the developer carefully plans development around these areas, such that they are appropriately protected.

12. Water Conservation. Uses proposed with the rezoning involving Master Development Plans shall show compliance with the water conservation policies of Section 102E in the Comprehensive Plan and the approved Master Development Plan. Other rezonings shall show compliance at the time of building permit issuance.

13. Public Input. If there is a major public opposition to a proposed rezoning, this may indicate that the technical evaluation regarding compatibility of the proposed district does not concur with the view of local residents and a recommendation of denial may be appropriate. 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.

14. Hazardous Materials. Adequate data has been submitted to determine that impacts from uses that may involve hazardous or dangerous materials are adequately mitigated.

15. Compliance with Applicable Area Plan, Master Development Plan or Comprehensive Plan Policies. The proposed uses and design are in substantial conformance with adopted area plan, master development plan or comprehensive plan land use designations and policies.



Subject Parcels 

- A - 104-10-107A
- B - 104-101-06
- C - 104-10-105
- D - 104-101-04
- E - 104-10-090