



Cochise County

Community Development

Planning, Zoning and Building Safety Division

Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

TO: Cochise County Board of Supervisors
THROUGH: Ed Gilligan, County Administrator
FROM: Christine McLachlan, AICP, Planner II
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket Z-19-07 & CP-19-02 (Hereford92)
DATE: December 26, 2019 for the January 7, 2020 Meeting

APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT & REZONING

This is a County-initiated request for a concurrent rezoning and Comprehensive Plan map amendment, consequently, Cochise County is the applicant. The request consists of five parcels, with two separate owners. The applicant has requested a land use map designation amendment from Neighborhood Conservation (NC) to Developing (DEV) and a zoning amendment from MH-72 (Mobile Home Residential; one dwelling per 12,000 square feet) to GB (General Business).

The subject parcels total 1.92 acres (83,611 square feet) in size. The subject parcels, APN 104-10-107A, APN 104-10-106, APN 104-10-105, APN 104-10-104 and APN 104-10-090, are generally located at the southeastern corner of SR-92 and Hereford Road in Hereford. They are further described as being situated in Section 18 of Township 23 South and Range 21 East, in unincorporated Cochise County, Arizona.

I. PLANNING & ZONING COMMISSION RECOMMENDATION

On Wednesday, December 11, 2019, the Planning and Zoning Commission voted 3-2 to forward this Docket to the Board of Supervisors with a recommendation of denial.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size:	Parcel APN 104-10-104: 0.46 acres (20,126 sq. ft.) Parcel APN 104-10-105: 0.35 acres (15,417 sq. ft.) Parcel APN 104-10-106: 0.35 acres (15,417 sq. ft.) Parcel APN 104-10-107A: 0.25 acres (11,226 sq. ft.) Parcel APN 104-10-090: 0.49 acres (21,386 sq. ft.)
Current Zoning:	MH-72 (Single Family Residential; one dwelling per 12,000 square feet)
Proposed Zoning:	GB (General Business)
Growth Area:	B – Community Growth Areas
Current Plan Designation:	Neighborhood Conservation (NC)
Proposed Plan Designation:	Developing (DEV)
Area Plan:	None
Existing Uses:	Rental manufactured housing/mobile homes, with the exception of Parcel 104-10-104, which remains vacant with remnants of a torn-down structure
Proposed Uses:	Same

Planning, Zoning and Building Safety

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Zoning, Land Use and Use of Surrounding Properties

Relation to Subject Parcel	Zoning	Land Use	Use of Property
North	Hereford Road (County Road) SR-43 and R-36	Hereford Road (County Road), NC and DEV	Single-family residential
South	MH-72	NC	Manufactured home residential
East	MH-72	NC	Manufactured home residential
West	SR 92 (State Road), GB	SR 92 (State Road), ENT	Commercial

Subject Parcels Location and Surrounding Uses Map



III. PARCEL HISTORY

104-10-107A - Permit for manufactured home and septic (2002)

104-10-106 – Permit for two septic systems (2001), Permit for two 660 SF mobile homes (2002)

104-10-105 – Permit for septic system (2002), Permit for temporary RV (2003), replacement of 720 SF mobile home (2002), 1120 SF mobile home (2006), demolition of 720 SF mobile home (2011)

104-10-090 – Permit for 1248 SF mobile home (1981), Septic repair (2007)

IV. NATURE OF REQUEST

The applicant (Cochise County, Planning) is making a concurrent request to amend the land use designation from Neighborhood Conservation (NC) to Developing (DEV) and amend the zoning designation from Mobile Home District, one dwelling per 7,200 SF (MH-72) to General Business (GB) on the subject parcels. The area directly surrounding the site is residential to the north, south and east and commercial to the west.

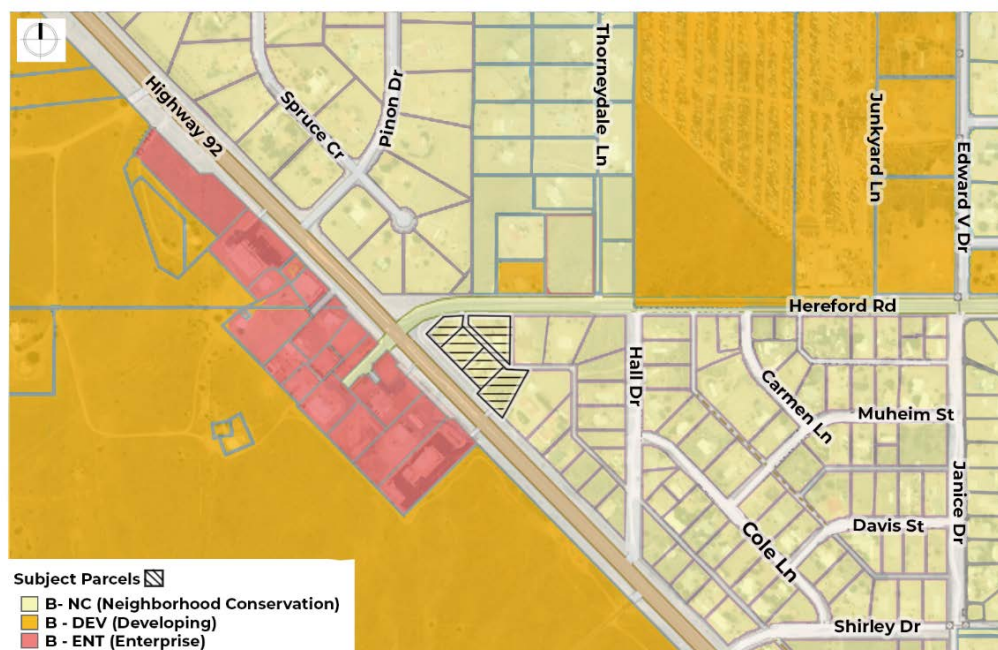
V. ANALYSIS OF LAND USE MAP AMENDMENT (MINOR) IMPACTS

Compliance with Land Use Amendment Criteria

The Comprehensive Plan Growth Area Categories and Designations within the Cochise County Comprehensive Plan (“Plan”) are designed to provide a measure of protection to the existing character of an area. The Plan may be amended, by minor or major amendment, by interested parties from time to time. An amendment is considered “major” if it results in a substantial alteration of the County’s land use mixture or balance. However, because the proposed amendment falls below the threshold for a major amendment, it is a minor amendment.

Section 302A.2. of the Comprehensive Plan provides six criteria used to consider a change in a Plan Designation. All six of the criteria are applicable to this request. The request fully complies with five of the six factors and partially complies with one factor.

Current Land Use Map

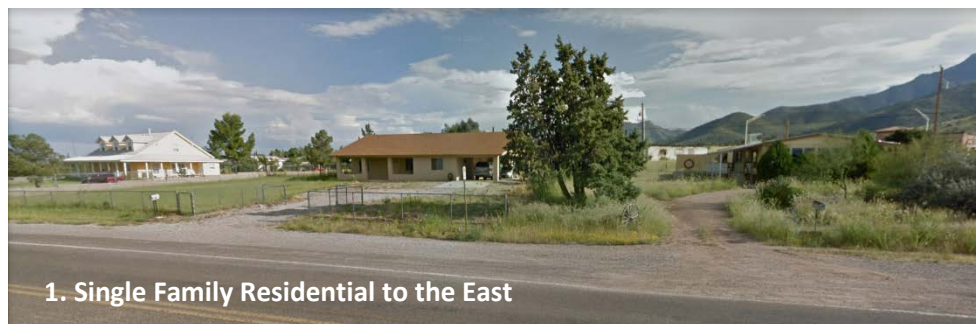


1. The Pattern of Growth No Longer Reflects the Type of Growth Expected in the Current Designation - Complies

All five subject parcels carry the Neighborhood Conservation (NC) designation. According to the Plan, this designation is established according to the following criteria, “a. The area to be designated is a developed residential neighborhood that warrants protection from non-residential uses; or b. The area is an approved subdivision for which all the improvements are in place and constructed to minimum County standards.”

The subject parcels are not in an approved subdivision. Moreover, it is the opinion of staff, that while the parcels are developed for residential use, and Hereford is largely a residential area, this particular collection of parcels does not constitute a neighborhood. Hereford Road and Highway 92 are the most traveled roads within Hereford, which makes the intersection of these roadways both highly visible and more appropriate for a higher density and non-residential land use.

Surrounding Uses Map





2. Single Family Residential to the North



3. Commercial to the West



4. Commercial to the West



5. MF Residential to the South

2. Substantial Changes Have Occurred in the Area – Complies

Following the 2011 Monument Fire in the area, which ultimately impacted 29,000 acres within the Huachuca Mountains and consumed approximately 70 structures in the Hereford area, businesses like Ricardo’s Mexican Restaurant and others impacted by the fire have been re-built or repaired. The spread of commercial development has gradually continued onto the western portion of the Hereford Road/Highway 92 intersection.

3. The Extension of Urban Standard Facilities and Services Have Changed the Optimum Type of Appropriate Development – Partially Complies

This criterion is intended to apply to situations where major road improvements, extensions of waste disposal systems and water service have recently occurred. There are no recent or planned roadway improvement projects, however the current capacity of the Hereford Road and Highway 92, indicates that commercial development is a more optimum development type. Similarly, while the subject parcels do not have access to sewer, there is public water service through Bella Vista Water.

4. Substantial Support from Property Owners - Complies

On November 6, 2019, all property owners within 1,000 feet of the subject parcels were sent a letter with information about the subject parcels and the dual land use/zoning request. They were provided relevant case information, public hearing dates as well as a form in which they could indicate support or non-support of the request. In addition, the subject parcels were posted, and a public hearing notice was provided in the Sierra Vista Herald on November 20, 2019. As of December 5th, staff has received 3 letters or calls in support and no letters or calls in opposition to the request. The following map indicates the location of property owners that have contacted staff in response to this request. The color green indicates support of the property owner, while the color red indicates opposition to the request.

Support/Opposition to Request Map



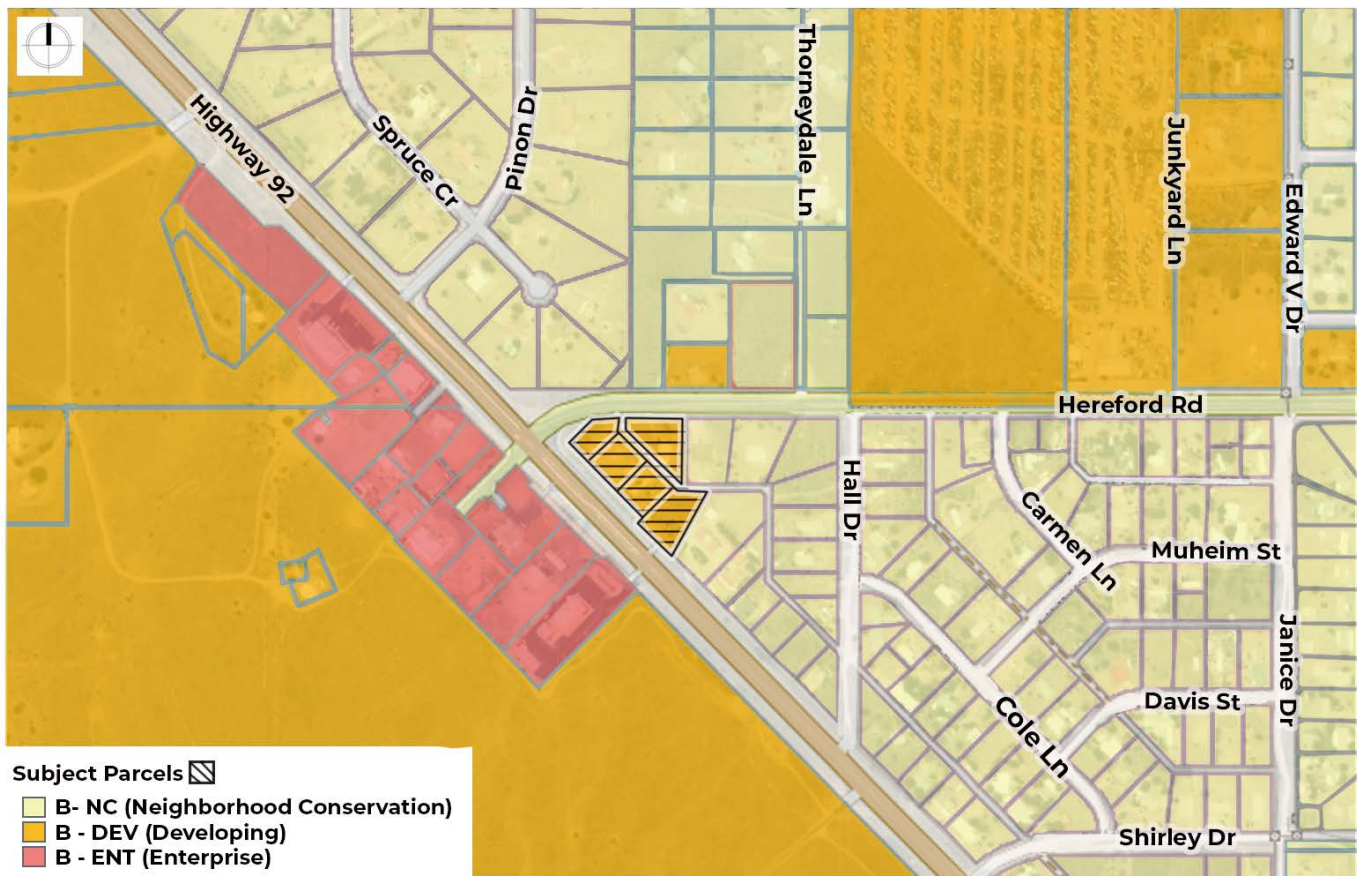
5. Change in Developing Designation Following a Distinguishable Pattern of Development - Complies

Both proceeding and following the 2011 Monument fire, which consumed several houses and businesses in this area, there has been a pattern of increased commercial development at the intersection of Highway 92 and Hereford Road. Most recently, a Dollar General was constructed in 2016, less than a quarter of a mile northwest of the subject parcels. In addition, since 2011, the following additional non-commercial businesses have also been constructed or re-constructed: Canyon General Mini-Mart, US Post Office, Mountain View Air Conditioning and Heating, Ricardo’s Lounge, Pizzeria Mimosa, Hereford Medical Clinic, and Chuckwagon Grill. Given the visible prominence and accessibility of this intersection, staff recommends the proposed land use change to support more of a nodal pattern of commercial development, rather than current strip form.

6. New Designation Provides a Harmonious Transition Between Existing Designations - Complies

The proposed designation of “Developing” provides a more appropriate transition between the “Enterprise” designation to the west and the “Neighborhood Conservation” to the east. Neighborhood Conservation is a protective and restrictive designation, which promotes residential development and discourages non-residential development. The “Enterprise” designation is most appropriate in areas that support commercial and industrial uses rather than additional residential use, which is considered undesirable. The “Developing” designation, on the other hand, is used to describe areas experiencing non-rural growth rates that are developed with scattered, mixed residential, business. This category seems both more indicative of the current development pattern and a better transition/step-down between the intensive “Enterprise” designation and the restrictive “Neighborhood Conservation” designation.

Proposed Land Use Map

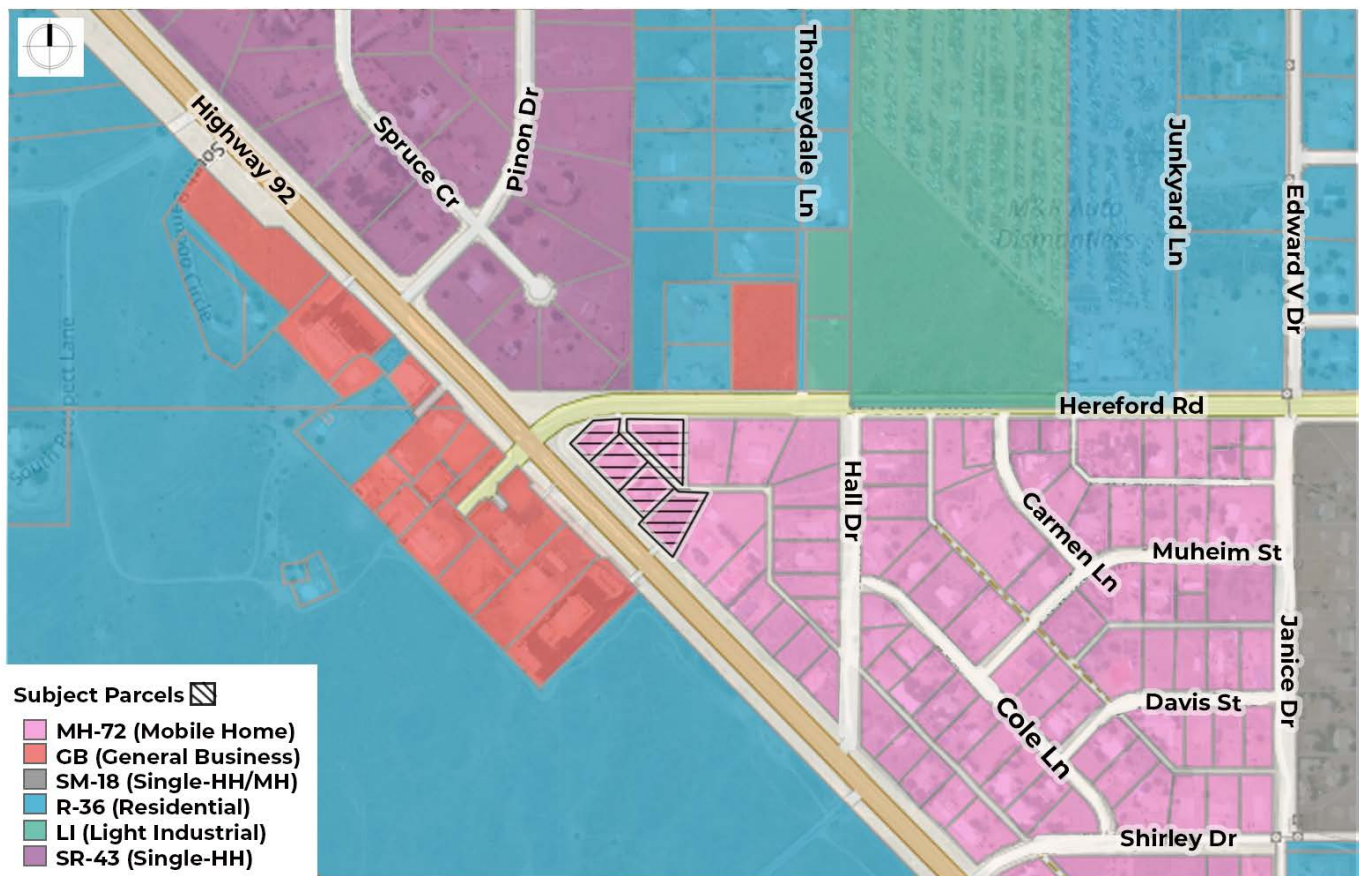


V. ANALYSIS OF REZONING IMPACTS

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. The Planning Commission and the Board of Supervisors must consider these factors in deciding whether to approve a Rezoning. Compliance or non-compliance with applicable factors serves as the basis for analyzing the rezoning and determining the factors in favor or against the zoning. As with most rezoning cases, not all the criteria are met by this request. Specifically, eight of the factors are met as submitted, four can be met with conditions, as noted, while the remaining three factors are not met by this request. The following section of this report details and analyzes each individual criterion.

Current Zoning Map



1. Provides an Adequate Land Use/Concept Plan: Does Not Comply

The applicant has not submitted a land use/concept plan because this is a County-initiated action and there is no immediate redevelopment planned for the subject parcels. Pending approval of this re-zoning, all future site development will be required to comply with all relevant standards contained in the Zoning Regulations for General Business zoning. This includes but is not limited to maximum height, setbacks, maximum site coverage, distances between structures, and screening. In addition, the developer must consider abatement for nuisances including electrical disturbances, noise, and odors both on site and extending beyond the site.

2. Compliance with Applicable Site Development Standards: Complies with Conditions

Mobile homes and manufactured homes are permitted principal uses both in the existing and proposed zoning categories. Their current placement, density and configuration is in conformance with both GB and MH-72 Zoning Regulations. Therefore, none of the existing structures would cease to be considered conforming pending the results of this case. However, there are differences in the development standards between the MR-72 and GB categories, which would apply pending redevelopment. Should any of the current dwellings be removed, all future development will be required to follow the site development standards for General Business (GB), which includes but is not limited to standards regarding maximum height, setbacks, maximum site coverage, distances between structures, and screening. Any necessary abatement for nuisances including electrical disturbances, noise, and odors both on site and extending beyond the site will be considered.

In addition, all future development proposals must include a drainage analysis to demonstrate the proposed development will not result in adverse impacts (increasing water surface elevations and increasing velocities) on the adjacent parcels. Detention/retention requirements shall follow Arizona Department of Water Resources (ADWR) Standard 8-99. The finished floors, electrical and mechanical equipment of all future structures will be required to be elevated one foot above the 100-yr water surface elevation, as determined by the drainage analysis.

If proposing retention basins, the dry wells will need to be registered with the Arizona Department of Water Resources (ADWR). A maintenance plan for the detention/retention basins shall be required. If sound walls are proposed, they will need to be designed so that they do not divert, retard or obstruct stormwater flow. This area is within Cochise County's Municipal Separate Storm Sewer System (MS4) area and more than one acre may be disturbed; consequently, a Stormwater Pollution Prevention Plan (SWPPP) will be required by Cochise County for any proposed development improvements.

Staff believes that Subject Parcel 104-10-090 is capable of supporting redevelopment in accordance with all relevant site standards for GB zoning. At the same time, staff recommends that all remaining parcels, which range in size from 0.25 to 0.46 acres, and currently rely on an informal circulation plan to access the Highway 92, should be combined either prior or in conjunction with the submittal of a non-residential site plan as a condition of this request. Once combined, parcels 104-10-107A, 104-10-106, 104-10-105, 104- 10-104 will be capable of reasonable development for the typical uses of General Business and will be able to abide by all site development standards given the overall size, dimensions and orientations of the subject parcels.

Current Site Use/Conditions Map





3. Adjacent Districts Remain Capable of Development: Complies

The proposal would not unduly affect the development prospects of any neighboring properties nor would it result in the reduction of remaining adjoining Zoning Districts to a size or shape incapable of reasonable development. This area is currently developed. All existing adjacent parcels comply with applicable development standards for their use and would continue to have legally conforming status.

4. Limitation on Creation of Nonconforming Uses: Complies

This factor pertains to creating non-conforming uses on the site to be rezoned. The creation of non-conforming uses is generally discouraged by the Zoning Regulations. As stated under criterion 2, mobile homes and manufactured homes are permitted principal uses both in the existing and proposed zoning categories. Therefore, no new non-conforming uses would be created by the proposed rezoning.

5. Compatibility with Existing Development: Complies

The site currently abuts existing commercial and residential uses and zoning categories. The proposed zoning extends the existing General Business zoning into the southeastern quadrant of the intersection of Hereford Road and Highway 92. It is anticipated that the subject parcels could be developed in the future into a commercial use that better serves the greater Hereford community.

6. Rezoning to More Intense Districts: Complies

The Zoning Regulations state that when a rezoning is to a more intense zoning district, where it abuts a less intense zoning district, the less intense zoning district should be protected. This request is a proposal to amend the zoning to a more intense zoning district. It abuts the less intense residential zoning district of MH-72. The proposed General Business zoning will comply this requirement by buffering the less intense MH-72 land use from the intersection of Highway 92 (minor arterial) and Hereford Road (major collector). It is also an extension of the General Business zoning district to the west.

7. Adequate Services and Infrastructure: Complies

The site has existing electric, gas, water, septic and emergency service. While the proposed General Business zoning designation is a more intense use, there is sufficient vehicular access to the site. (See Traffic Circulation Map, below). Parcels 104-10-104, 104-10-105, 104-10-106 and 104-10-107A access Hereford Road via a 20' wide alley, which is to the rear of the existing trailers. There is also an informal dirt circulation path around the other sides of the trailers, which allows access from each of the four parcels to Highway 92. The alley easement has an access point/apron onto Hereford Road. Vehicles may turn left or right from either of these access points and it is used for by refuse collection trucks.

In addition, there are two residential driveway aprons for Parcel 104-10-090, which allow unrestricted turn movements. A consolidation of parcels 104-10-107A, 104-10-106, 104-10-105, 104-10-104 into a single redevelopment site plan proposal, which is a proposed condition of this request, would serve to consolidate and formalize the access points along Hereford Road and Highway 92. As previously mentioned, the change from MH-72 to GB could result in increased traffic, however, both Hereford Road and Highway 92 are high capacity roadways that Staff feels can accommodate the additional volume of traffic this change would produce.

Potential impacts to traffic will be further analyzed by County and State roadway engineering staff pending the acceptance of a site plan. This review will determine the appropriate number and placement of access points to the site from Hereford Road and Highway 92.

8. Traffic Circulation Criteria: Complies with Conditions

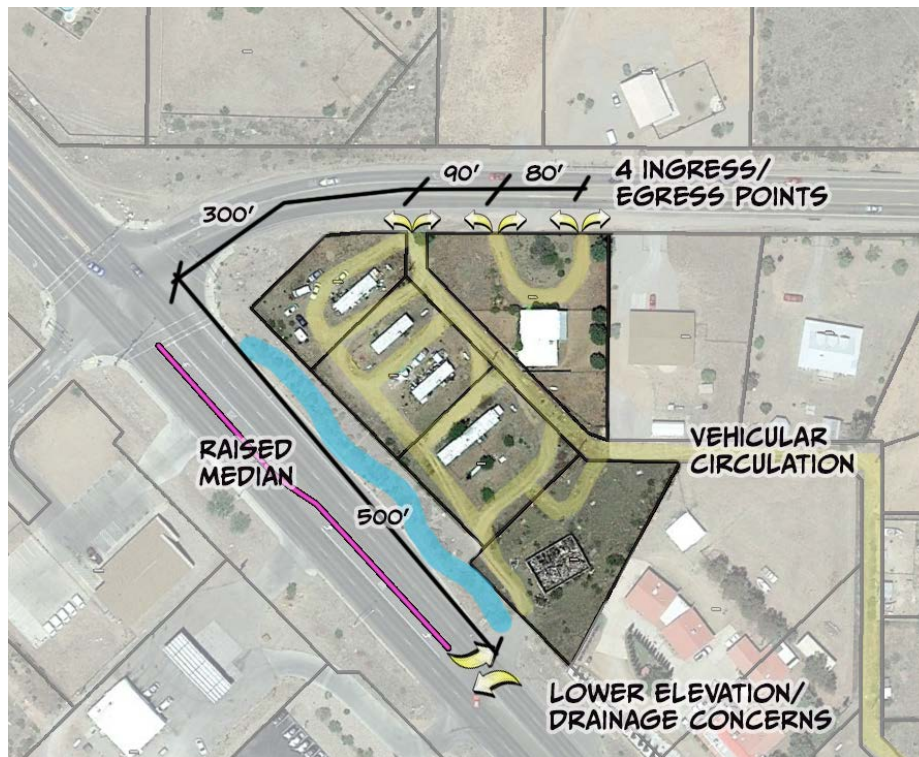
This request is consistent with preservation of the functions of surrounding streets as defined in the Comprehensive Plan. In this case, the surrounding streets that will be most impacted are Hereford Road and Highway 92, which directly abut and serve the subject parcels. Significantly, this request will not result in any residential street being used for non-residential through traffic. All current site access is from Hereford Road, which is a collector Road, and Highway 92, which is an arterial road.

This request must also take into account the future circulation needs in the surrounding area. Staff feels no off-site improvements are warranted at this time. The larger residential area where the subject parcels are located is served by an alleyway that bisects four of the western parcels under common ownership from Parcel 104-10-090, to the east. Staff recommends the condition that while the existing 20' wide alley can be relocated, it should remain open and accessible to this site and all the properties currently using it. In addition, the County reserves the right to require improvements, including but not limited to the increasing the width of this easement, prior to the acceptance of a commercial site plan and/or any commercial permitting.

9. Development Along Major Streets: Complies

The Zoning Regulations encourage development that “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.” All access points associated with future site plans will be required to comply with applicable County regulations.

Traffic Circulation Map



10. Infill: Does Not Comply

The Zoning Regulations encourage rezonings to GB within “Enterprise” or “Enterprise Redevelopment.” The Enterprise designation applies to areas with an established pattern of commercial and/or industrial land use. This factor is intended to encourage infill where it is likely to be supported from an infrastructure standpoint and where it is most likely to be compatible with neighboring uses. In this case, a concurrent land use amendment to “Developing” is being sought. The “Developing” designation allows similar uses as the “Enterprise” designation; however, it is considered a transitional category. Overall, it is intended as a temporary label that should be re-evaluated periodically by the County planning at regular intervals. Regardless, due to the transitional development pattern in this area, staff feels the “Developing”

category is most appropriate in this case and in this particular location. It can and will be re-evaluated along with all other parcels within the “Developing” category during the next update to the Comprehensive Plan.

11. Unique Topographic Features: Complies

The Zoning Regulations stipulate that 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. The subject parcels are not within a designated floodplain, rather they are in Zone D. The Zone D designation is applied to areas where there are possible but undetermined flood hazards, as no analysis of flood hazards has been conducted. Given the mountainous topography and the prevalence of washes throughout Cochise County, it can be a challenge to find favorably flat sites. There is a large culvert in the right-of-way near parcel 104-10-104, which appears to drain water from Highway 92 in storm events. Also, the overall site is approximately six feet lower in elevation from Highway 92. Given the overall size, dimensions and configuration of the subject parcels, a future development plan that consolidates parcels 104-10-107A, 104-10-106, 104-10-105, 104- 10-104 (as previously conditioned), must be able to accommodate all drainage produced by the on-site development.

12. Water Conservation: Complies with Conditions

The subject parcels are within the Sierra Vista Sub-Watershed Overlay Zone, as defined by the Arizona Department of Water Resources and delineated on County maps. It is not within two miles of the San Pedro Riparian National Conservation Area or within one mile of the Babocomari River. In order to obtain future building permits, all proposed development must comply with all relevant water conservation regulations in the Zoning Regulations, and water conservation policies in the Comprehensive Plan.

13. Public Input: Complies

Staff mailed notices to neighboring property owners within 1,000 ft. of the subject property posted the site and published legal notices as required by the Zoning Regulations and Comprehensive Plan. Staff received three responses in support and zero responses in opposition.

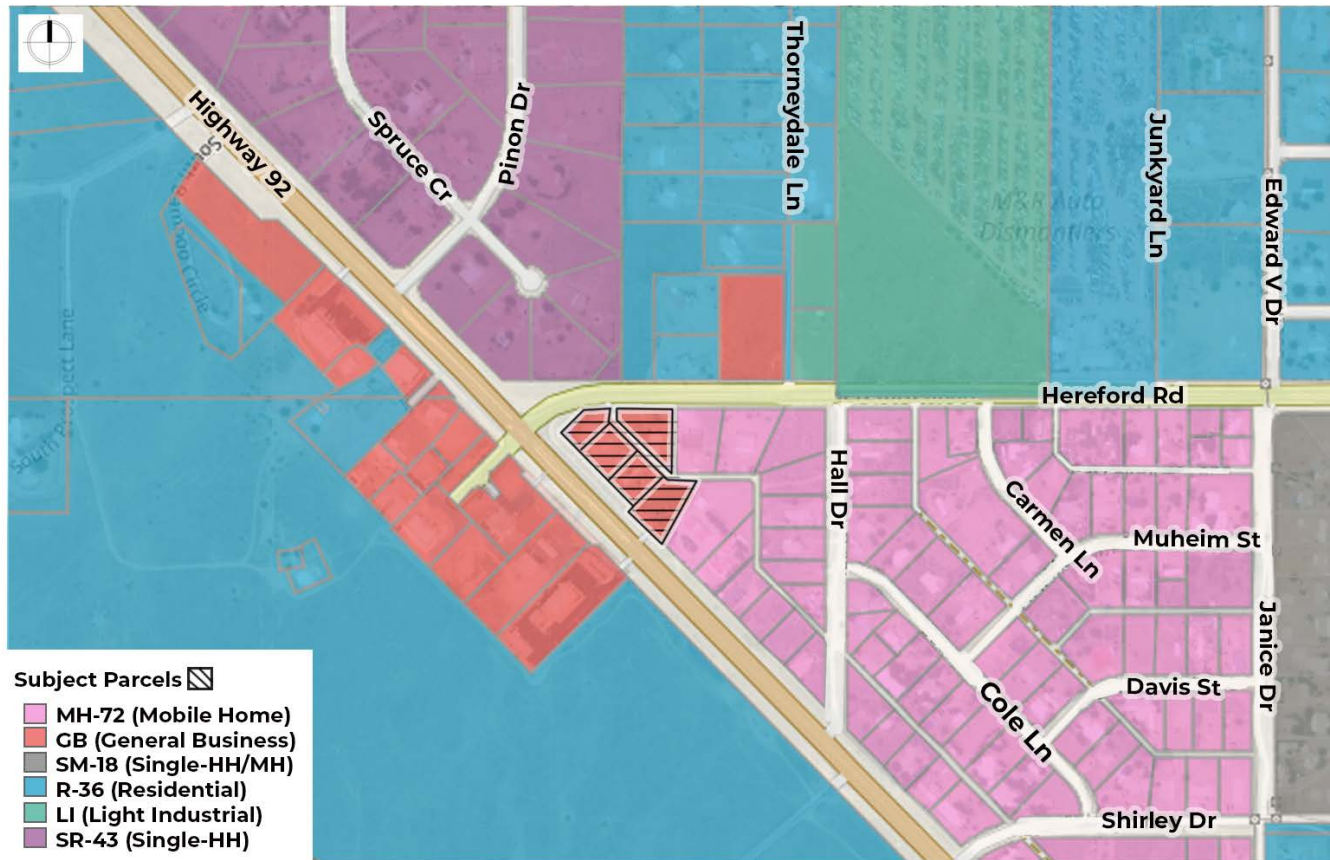
14. Hazardous Materials: Does Not Comply

The Zoning Regulations require data to be submitted that will determine adequate mitigation of any impact from uses that may involve hazardous or dangerous materials. This request does not comply, because it is County-initiated, and no specific development plan has been submitted. However, any future uses that may involve hazardous or dangerous materials will be required to be adequately mitigate for on- and off-site impacts during the site planning and permitting process.

15. Compliance with Comprehensive Plan: Complies with Conditions

This criterion is intended to reinforce that proposed uses and design are in substantial conformance with adopted area plan, master development plan, or Comprehensive Plan policies. There are no applicable area plans or master development plans for the subject parcels. This case is a concurrent re-zoning and land use map amendment. Therefore, the approval of the rezoning is contingent on the approval of the land use map amendment request and will be a Staff imposed condition to this request.

Proposed Zoning Map



V. PUBLIC COMMENT

In response to County mailings, the Planning Department has received three responses in support and zero responses in opposition to this request. A copy of all correspondence received as of December 6, 2019 is included in the packet.

VI. SUMMARY AND CONCLUSION

The request is a rezoning from MH-72 (Mobile Home District, one dwelling per 7,200 SF) to GB (General Business). A concurrent Comprehensive Map amendment is requested, which will change the current land use designation from to Neighborhood Conservation (NC) to Developing (DEV). The subject parcels total 1.91 acres (83,611 square feet) in size. The subject parcels, (APN 104-10-107A, APN 104-10-106, APN 104-10-105, APN 104-10-104, APN 104-10-090), are located on the southeast corner of Hereford Road and Highway 92 in unincorporated Hereford.

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 a small collection of mobile homes 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.

Regarding zoning, the subject parcels are currently zoned MH-72, which is an old zoning designation that now falls under the requirements of MR-2 within Cochise County Zoning Regulations. As stated in the Zoning Regulations, the intent of MR-2 zoning is to provide high-density residential development in locations with adequate infrastructure and protect residential development. The proposed zoning for the subject parcels is General Business (GB). 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 Road has begun to develop. This

node includes a post office, gas station, medical center, a retail store and three restaurants. The expansion of the GB zoning pattern to the eastern side of intersection, which is closer to the residential population and will not require pedestrians to cross Highway 92, will reinforce the existing node and, again, ultimately better serve the needs of the greater Hereford community.

Factors in Favor of Approval

1. Promoting redevelopment - This request has been initiated, in large part, to promote redevelopment of this emerging commercial node in Hereford community. Zoning allows the County to regulate and control land in order to ensure complementary use and compatibility. It can also provide the opportunity to stimulate or slow down development in specific areas. The County wishes to stimulate interest in this area by rezoning from the protective designation of Neighborhood Conservation to the more permissive category of General Business. Staff feels that given the location and surrounding uses, this change is appropriate and more supportive of the current land use trends in the area.
2. Community support – There have been no objections to this request from the immediate community. To date, three letters and one phone call were received. Each of the comments reiterated the appropriateness of commercial use in this location.
3. Balance of Land Use Amendment/Rezoning Analysis - There are six factors to consider in every land use map amendment request and fifteen factors to consider in every rezoning request. There tends to be factors in favor and factors against every request, therefore all factors must be analyzed and balanced against one another when making a recommendation. Individual factors may weigh more heavily relative to others. The only mandatory criterion with regards to rezoning, which is complied with by this request, is that only those Zoning Districts which are compatible with the characteristics of that Designation or Area may be formed.

As previously elaborated in this memo, this request complies with five of the six land use amendment factors and eight of the fifteen rezoning factors. In addition, it partially complies with the remaining land use factor and complies with conditions with five rezoning factors. All noncompliance is explained in the following section. The following tables list each criterion and whether the request complies, partially complies, complies with conditions or does not comply.

Land Use Factor Compliance Table

Criterion	Compliance	Partial Compliance	Compliance with Conditions	Non-Compliance
The Pattern of Growth No Longer Reflects the Type of Growth Expected in the Current Designation (Land Use Factor 1)	✓			
Substantial Changes Have Occurred in the Area (Land Use Factor 2)	✓			
The Extension of Urban Standard Facilities and Services Have Changed the Optimum Type of Appropriate Development (Land Use Factor 3)		✓		
Substantial Support from Property Owners (Land Use Factor 4)	✓			
Change in Developing Designation Following a Distinguishable Pattern of Development (Land Use Factor 5)	✓			
New Designation Provides a Harmonious Transition Between Existing Designations (Land Use Factor 6)	✓			

Rezoning Factor Compliance Table

Criterion	Compliance	Partial Compliance	Compliance with Conditions	Non-Compliance
Provides an Adequate Land Use/Concept Plan (Rezoning Factor 1)				✓
Compliance with Applicable Site Development Standards (Rezoning Factor 2)			✓	
Adjacent Districts Remain Capable of Development (Rezoning Factor 3)	✓			
Limitation on Creation of Nonconforming Uses (Rezoning Factor 4)	✓			
Compatibility with Existing Development (Rezoning Factor 5)	✓			
Rezoning to More Intense Districts (Rezoning Factor 6)	✓			
Adequate Services and Infrastructure (Rezoning Factor 7)	✓			
Traffic Circulation Criteria (Rezoning Factor 8)			✓	
Development Along Major Streets (Rezoning Factor 9)	✓			
Infill (Rezoning Factor 10)				✓
Unique Topographic Features (Rezoning Factor 11)	✓			
Water Conservation (Rezoning Factor 12)			✓	
Public Input (Rezoning Factor 13)	✓			
Hazardous Materials (Rezoning Factor 14)				✓
Compliance with Comprehensive Plan (Rezoning Factor 15)			✓	

Factors Against Approval

1. Planning and Zoning Commission Recommendation – On Wednesday, December 11, 2019, the Planning and Zoning Commission voted to deny this request 3-2 on procedural grounds.
2. The availability of urban standard facilities and services (land use amendment) – Ideally, land use amendments to a more intense categories and designations follow recent upgrades to waste disposal/water service and/or major road improvements. There have been no recent improvements to any of these systems nor are any planned in the foreseeable future. However, the subject parcels are located at a busy intersection of roadway that can

accommodate future growth. The presence of other commercial establishments in immediate area suggests there is sufficient water and waste service facilities to accommodate commercial redevelopment on the subject parcels.

3. No associated site plan - Because this is a County-initiated request and there are no immediate plans for redevelopment there is no associated site plan. This provides some uncertainty about the future redevelopment of these parcels. The lack of a site plan most directly relates to Factor 1 (Provides an adequate land use/concept plan), Factor 14 (Hazardous or Dangerous materials), Factor 2 (Compliance with Applicable Site Development Standards), Factor 11 (Unique Topographic Features) and Factor 12 (Water Conservation) in Section V of this memo. Without a site plan, neither staff, the Planning and Zoning Commission, nor the Board of Supervisors can evaluate compliance or non-compliance regarding these above-mentioned rezoning criteria. However, as with all site plans submittals, future redevelopment on this site will be required to comply with all relevant Zoning Regulations and policies in the Comprehensive Plan, as well as any relevant state or County engineering standards.
4. This request does not comply with the Factor 10 (Infill). A concurrent land use amendment to "Enterprise" rather than "Developing" is required to comply with this factor. As explained in this memo, due to the transitional development pattern in this area, staff feels the "Developing" category is most appropriate in this case and in this particular location. It can and will be re-evaluated along with all other parcels within the "Developing" category during the next update to the Comprehensive Plan.
5. Commercial development in this location would likely result in higher traffic volumes, noise, odors and increased light levels than the existing uses. Any potential impacts would need to be addressed and mitigated through the development review process pending the submittal of site plans for these parcels.

VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from MH-72 (Mobile Home District, one dwelling per 7,200 SF) to GB (General Business) and the concurrent Comprehensive Map amendment, which will change the current land use designation from to Neighborhood Conservation (NC) to Developing (DEV) to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions and Modifications:

1. The Property Owners shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 within thirty (30) days of Board of Supervisors approval of the rezoning;
2. It is the Property Owners' 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. Parcels 104-10-107A, 104-10-106, 104-10-105, 104- 10-104 shall be combined either prior or in conjunction with the submittal of a non-residential site plan.
4. Any new driveway access shall follow all applicable State or County standards;
5. The approval of the re-zoning request (Z-19-07) is contingent upon the approval of the associated land use amendment (CP-19-02);
6. All development will comply with County water conservation regulations adopted at the time of construction; and
7. All future development proposals must include a drainage analysis to demonstrate the proposed development will not result in adverse impacts (increasing water surface elevations and increasing velocities) on the adjacent parcels. Detention/retention requirements shall follow Arizona Department of Water Resources (ADWR) Standard 8-99. The finished floors, electrical and mechanical equipment of all future structures will be required to be elevated one foot above the 100-yr water surface elevation, as determined by the drainage analysis. If proposing retention basins, the dry wells will need to be registered with the Arizona Department of Water Resources (ADWR). A maintenance plan for the detention/retention basins shall be required. If sound walls are proposed, they will need to be designed so that they do not divert, retard or obstruct stormwater flow. This area is within Cochise County's Municipal Separate

Storm Sewer System (MS4) area and more than one acre may be disturbed; consequently, a Stormwater Pollution Prevention Plan (SWPPP) will be required by Cochise County for any proposed development improvements.

8. The subject parcels shall not be used for storage, warehousing and/or maintenance yards. The following uses are prohibited from all future development proposals: Impoundment storage yard, contract construction services, mini-warehouses and warehousing, distribution and storage of non-hazardous goods, not to exceed 10,000 SF floor area.

VIII. ATTACHMENTS

- A. Application and Location Map
- B. Signed Authorization
- C. Public Comments
- D. Agency Comments