



MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Robert Kirschmann, Planner II
FOR: Dan Coxworth, Development Services Director
THROUGH: Richard Karwaczka, County Administrator
SUBJECT: Docket RZ22-15 (Ten Pond)
DATE: September 7, 2022, for the Meeting of September 27, 2022

APPLICATION FOR A REZONING

The applicant requests a rezoning from R-36 (Residential one dwelling per 36,000 square feet) to LI (Light Industry).

The Planning and Zoning Commission recommended approval to the Board at their meeting September 14, 2022.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicant: Diamond AR, LLC
 Location: Ten Pond Place, north of Little Michigan, near Sierra Vista
 APN: 107-23-030B
 Parcel Size: .85 acres
 Current Zoning: R-36 (Residential, one dwelling per 36,000 square feet)
 Proposed Zoning: LI (Light Industry)
 Growth Area: A – Urban Growth Areas
 Plan Designation: Developing
 Area Plan: None
 Existing Uses: Vacant
 Proposed Uses: Product Distribution

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	LI/R-36	Cement Block Distribution/Vacant
South	GB	Vacant
East	LI	Vacant/Industrial Uses
West	R-36	Vacant

II. PARCEL HISTORY

None

III. NATURE OF REQUEST

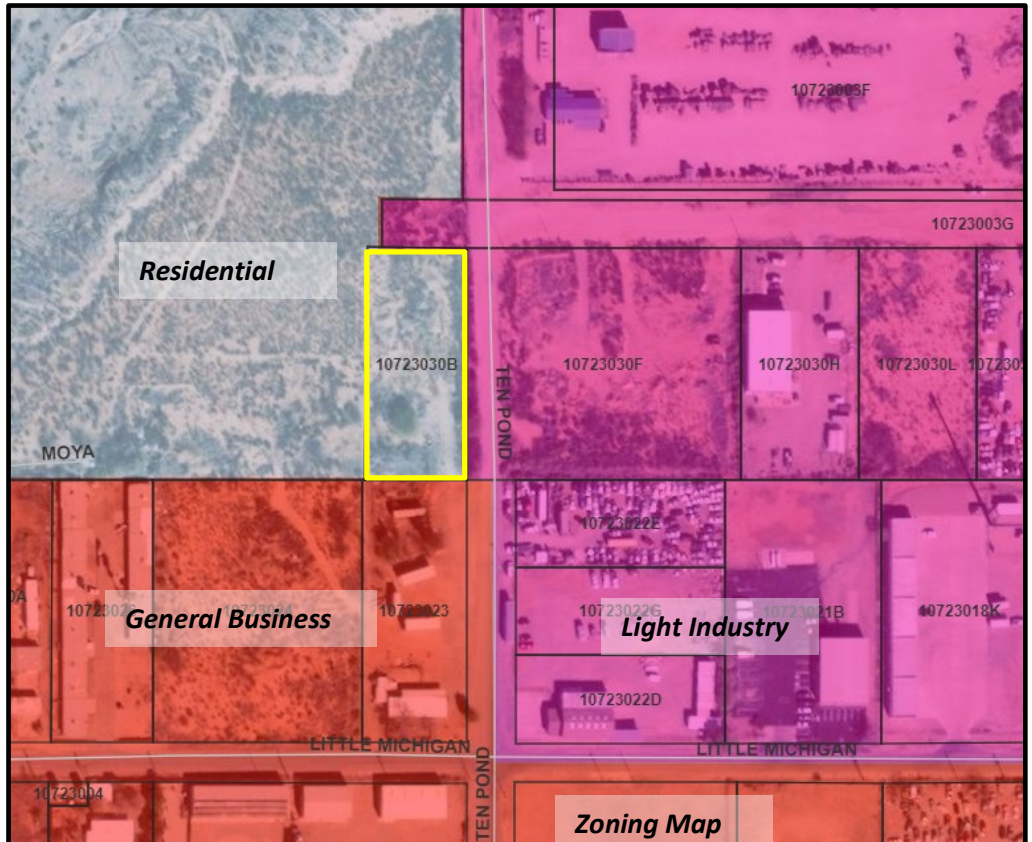
The applicant is requesting to amend the zoning of their parcel from R-36 to LI. The parcel is located in an area of existing commercial and industrial uses including contractor storage and offices, junk yards, light manufacturing and block wholesale and retail. The request to Light Industrial is compatible with the surrounding development.

The applicant is requesting the rezoning due to the size of the lot, commercial and industrial nature of the area and the desire to sell the lot for future commercial/industrial uses.



Mandatory Compliance

Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries comply with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "A" Urban Growth designation. It is further designated as Developing which allows rezonings to Light Industrial as requested.



Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria to evaluate rezoning requests.

1. Provides an Adequate Land Use/Concept Plan: Complies

The applicant is planning to sell the property for future development. At the time of development a detailed site plan will be provided and Staff will verify that all development standards including but not limited to setbacks, lot coverage, parking and landscaping are met.

2. Compliance with Applicable Site Development Standards: Complies



The parcel is similar in size to other nearby developed commercial and industrial properties. At the permitting stage the applicant will be required to provide a detailed site plan demonstrating compliance with all development standards as stated above.

3. Adjacent Districts Remain Capable of Development: Complies

Surrounding properties remain able to develop. The Residentially designated parcel to the north/west was previously part of a mining operation and conversations with the current owner have involved the possibility of rezoning requests in the future on these parcels as well.

4. Limitation on Creation of Nonconforming Uses: Complies

If approved, the rezoning would not create any non-conforming land uses.

5. Compatibility with Existing Development: Complies

The parcel is in a developing commercial/industrial. The rezoning to allow similar types of uses is appropriate.

6. Rezoning to More Intense Districts: Complies

This request is a reasonable extension of the industrial zoning directly to the east.

7. Adequate Services and Infrastructure: Complies with condition

Utilities are already in the area serving the surrounding businesses and industries. The applicant will be required to verify legal access, improve Ten Pond along their entire frontage and provide a commercial driveway.

8. Traffic Circulation Criteria: Complies with Condition

This rezoning request will not alter the existing roadway network's layout or function however, it appears that right-of-way for Ten Pond ends at the property line. The applicant will need to verify this and provide the necessary dedication for the road. Additionally, as mentioned above the applicant will be required to improve Ten Pond. At permit submittal,



the use will be evaluated and determined if a traffic study is warranted or additional improvements to mitigate the impact of the proposed development.

9. Development Along Major Streets: Complies

This parcel access to Ten Pond will be evaluated and approved by the Engineering Department during permit submittal.

10. Infill: Not Applicable

This factor applies only to rezoning requests for General Business, Light Industry, or Heavy Industry in an Enterprise or Enterprise Rehabilitation designation area. The Enterprise Designation is less than 150 south of the property. This proposed rezoning is a logical expansion of the zoning district as commercial and light industrial parcels continue to be developed in the area.

11. Unique Topographic Features: Complies

No unique topographic features exist that will prevent the development of the property.

12. Water Conservation: Complies

This proposed rezoning is located within the Sierra Vista Sub Watershed and will be required to comply with all requirements.



13. Public Input: Complies

The applicant completed a Citizen Review and received positive feedback from neighbors. Staff mailed notices to neighboring property owners within 1,000 feet of the subject properties August 4, 2022. August 9, 2022, staff posted the property and published a legal notice in the Herald Review on August 10, 2022. The Department received one letter in support of this request.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Not Applicable

The subject property is not located with an Area Plan.

IV. SUMMARY AND CONCLUSION

The request is for a rezoning from R-36 to LI for a parcel located near Sierra Vista. The lot makes a logical expansion of the

existing commercial and industrial uses in the area.

Factors in Favor of Approval

1. *The request complies with thirteen of the applicable rezoning factors used by staff to analyze this request;*
2. *One letter of support was received;*
3. *The request would be in keeping with the character of the existing development in the area;*
4. *The request would provide additional area for business expansions;*
5. *The request is a logical expansion of the existing commercial and industrial land use districts;*
6. *The Comprehensive Plan supports rezonings to LI.*

Factors Against Approval

1. *None*

V. RECOMMENDATION

Based on the factors in favor of approval, the Planning Commission recommended forwarding the rezoning request from R-36 to LI to the Board of Supervisors with a recommendation of **conditional approval**.

1. The Applicant will need to show legal access to the property. Once that is the Applicant will be required to extend Ten Pond Place with a hard surface to the end of the parcel to include a commercial driveway access as this has a growth category A.