



# Cochise County

## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Robert Kirschmann, Planner II  
**SUBJECT:** Docket RZ22-20 and CP22-03 (SR 80)  
**DATE:** October 25, 2022, for the Meeting of November 9, 2022

### APPLICATION FOR A REZONING

The Applicant, Stronghold Petroleum, represented by Mr. Andrew Goodman is requesting a rezoning from R-18 (Residential, one dwelling per 18,000 square feet) to GB (General Business).

A Comprehensive Plan Amendment is included because the area designated as C- Neighborhood Conservation. This designation does not allow zoning for General Business. The Applicant is requesting to change the Neighborhood Conservation to Developing on approximately 7.5 acres.

These requests are intended to facilitate the construction of a gas station, though all uses allowed under General Business Zoning would be allowed

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

Applicant: Mr. Andrew Goodman  
Location: State Route 80, west of Sybil Road  
APN: 120-18-009A and B  
Area Size: 7.5 Acres  
Current Zoning: R-18 (Residential, one dwelling per 18,000 square feet) and GB (General Business)  
Proposed Zoning: GB (General Business)  
Growth Area: C – Rural Community Areas  
Proposed Growth Area: Same  
Plan Designation: Neighborhood Conservation  
Proposed Plan Designation: Developing  
Area Plan: Saint David Area Plan  
Existing Uses: Vacant  
Proposed Uses: Gas Station, though all commercial uses would be allowed.

### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-18	Existing RV/Manufactured Home Park
South	R-18	Vacant

### **Planning, Zoning and Building Safety**

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East	GB	Single Family Residence
West	R-36	Vacant/Single Family Residence

**II. PARCEL HISTORY**

Parcel 120-18-009B is a new parcel and is vacant. The northern portion of parcel 120-18-009A has an existing RV and Manufactured Home Park.

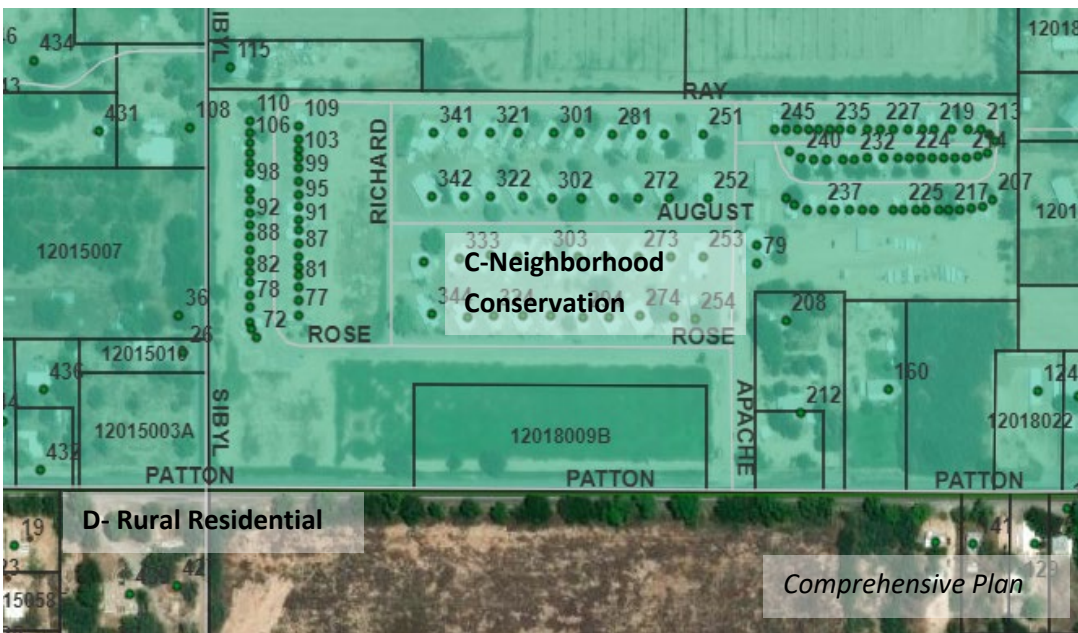
**III. NATURE OF REQUEST**

The Applicant, Stronghold Petroleum, represented by Mr. Andrew Goodman is requesting a rezoning from R-18 (Residential, one dwelling per 18,000 square feet) to GB (General Business).

A Comprehensive Plan Amendment is included because the area designated as C- Neighborhood Conservation. This designation does not allow zoning for General Business. The Applicant is requesting to change the Neighborhood Conservation to Developing on approximately 7.5 acres.



Location Map



Comprehensive Plan

These requests are intended to facilitate the construction of a gas station, though all uses allowed under General Business Zoning would be allowed.

Approximately 2 acres of Parcel 120-18-009B is already zoned General Business. The applicant presented a concept plan for the gas station on this portion. It was discussed that a safer and more efficient layout could be

accommodated by increasing the commercial zoning to the north and west.

**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 “C” Rural Community Area. The area is then designated as Neighborhood Conservation (NC). The NC designation does not allow for Commercial Zoning.

PLAN DESIGNATION	PERMITTED ZONING DISTRICTS
Neighborhood Conservation (NC)	R-36, R-18, R-9, NB, SM-36, SM-18, SM-9, SR-43, SR-22, SR-12, SR-8, MR-1, MR-2

*Section 402 of the Zoning Regulations*

Section 404.01 defines Neighborhood Conservation as:

*A. The area to be designated as Neighborhood Conservation must be included in a Category A, B, or C Growth Area, established or enlarged in accordance with Subsections 403.01, 403.02, or 403.03.*

*B. The area to be designated is a developed residential neighborhood that needs protection from nonresidential uses; or*

*C. The area is an approved subdivision for which all required improvements are in place and constructed to minimum County standards*



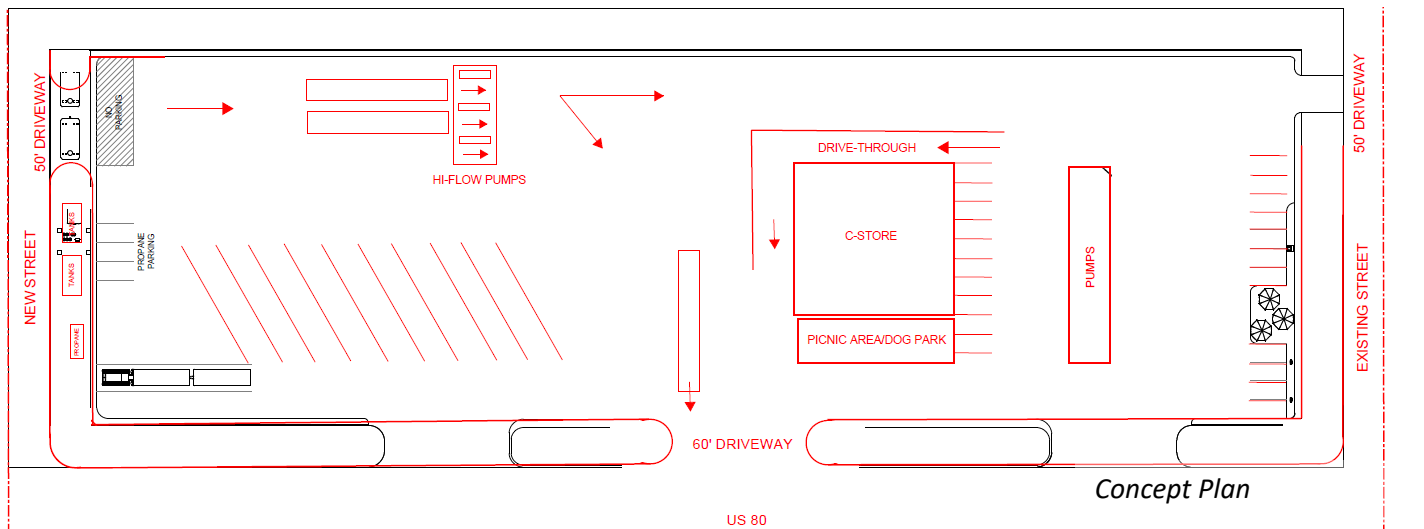
The area in question is located between an existing manufactured home/RV Park and a State Highway. A portion of the area is already zoned commercial, not in compliance with the Comprehensive Plan. These amendments will clean up of the non-conformance and provide for additional commercial opportunities along a State Highway in the future.

**Compliance with Rezoning Criteria**

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

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

The proposal is intended to facilitate a future gas station. A concept plan has been provided below. The Plan shows a convenience store, drive thru restaurant integrated into the store, vehicle pumps and separate RV Pumps. However, the rezoning will allow the full range of uses allowed by the General Business district.



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

The proposed Zoning area exceeds 7 acres. The site is large enough to accommodate the gas station or other commercial uses. The request will widen and extend the General Business Zoning allowing for more room to layout the building, parking, and circulation.



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

Surrounding properties remain able to develop.

**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 area is located on a State Highway 80 at Sybil Road. There is existing commercial zoning already included in the

project area as well as to the east. Other commercial uses in the area include a mini storage, and two multi-tenant buildings.

**6. Rezoning to More Intense Districts: Complies**

The proposed expansion is an extension of the existing commercial designation and a logical transition from the Highway to more dense residential uses (RV/Manufactured Home Park). The project will be required to install screening along its northern boundaries to buffer the park.

**7. Adequate Services and Infrastructure: Complies**

The applicant will be responsible obtaining approval and permits from ADOT. SSVEC provides service to the site and has not comments on the project. The applicant is planning to utilize Saint David Water Improvement District for water service. A septic system will be required.



**8. Traffic Circulation Criteria: Complies with conditions**

The Applicant is considering several driveways and or a new street to the Highway. Also, a new, onsite east west driveway is proposed to connect to Sybil Road. A traffic study for any commercial uses proposed on the site will be required. This study will evaluate the traffic and necessary improvements to support the development. With the preliminary information available ADOT has commented that it should be anticipated that a left turn lane will be necessary at SR80 and Sybil Road and/or the requested access points. It is also possible that the two way left turn lane may be required to extend east connecting to existing.

**9. Development Along Major Streets: Complies**

The area is located on both SR 80 and Sybil Road. Improvements will be required based on recommendations of the traffic study.

**10. Infill: Complies**

This area is not located in an existing Enterprise or Enterprise Redevelopment area; however, it is a logical extension of an existing commercial area.

**11. Unique Topographic Features: Complies**

No unique topographic features exist that will prevent the development of the property. It should be noted that the entire area is located within a FEMA designated Flood Zone. This will require preparation of a drainage analysis, elevated pads, retention, and other drainage related improvements.

**12. Water Conservation: Complies**

The applicant will be provided drought tolerant vegetation with drip irrigation. Toilets and sinks will be low flow high efficiency fixtures.



**13. Public Input: Complies**

The applicant sent notices out to all property owners 1,000 feet. Staff mailed notices to the same neighboring property owners on October 5, 2022. Staff posted the property on October 7, 2022, and published a legal notice in the Herald/Review October 7, 2022. The Department received three responses in support and one letter in opposition.

**14. Hazardous Materials: Complies**

Should the gas station be constructed there would be fuel storage onsite. The Applicant anticipated it will be above ground storage. The tanks will all be required to comply with local, State and Federal standards.

**15. Compliance with Area Plan: Does not Comply**

The subject property is located in the Saint David Area Plan. Land Use Policy 2.2 states *Rezoning or SUPs to a Neighborhood Business (NB) zoning district in the Neighborhood Conservation (NC)-designated area to allow small scale, locally owned and operated neighborhood-serving businesses.* There are no Neighborhood Commercially zoned parcels within the Saint David Area Plan. All commercial areas are General Commercial, as is proposed with the request. This request would be providing neighborhood serving businesses.

**IV. SUMMARY AND CONCLUSION**

The request is for a comprehensive plan amendment and accompanied rezoning, from R-18 (Residential, one dwelling per 18,000) to GB (General Business) on 7.5 acres. The Comprehensive Plan Amendment will facilitate the rezoning request.

**Factors in Favor of Approval**

1. The request complies with fourteen of the applicable rezoning factors used by Staff to analyze this request;
2. The request would be in keeping with the character of the existing development in the area.

3. The request would provide additional area for commercial development in the Saint David area.
4. The request is a logical extension of the existing commercial zoning.
5. Three letters in support were received.

**Factors Against Approval**

1. One letter in opposition was received.
2. The request does not comply with one factor.

**V. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends forwarding the comprehensive plan amendment from C-Neighborhood Conservation to C- Developing and rezoning request, from R-18 (Residential, one dwelling per 18,000) to GB (General Business) on a 7.5-acre area to the Board of Supervisors with a recommendation of **approval**, subject to the following project specific condition:

1. The Applicant is required to submit a traffic study in conjunction with any commercial permits All parcels shall be merged prior to submittal of any permits.