



Cochise County

Development Services

Public Programs...Personal Service
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MEMORANDUM

TO: Board of Supervisors
FROM: Dan Coxworth, Director
FOR: Richard Karwaczka, Administrator
SUBJECT: Docket RZ23-03 (Terry Diversified)
DATE: April 25, 2023

APPLICATION FOR A REZONING

The Applicant, Terry Diversified LLC – David Terry, requests a rezoning from R-36 (Residential, one dwelling per 36,000 square feet) to GB (General Business). This request will legitimize an auto impound storage yard, a permitted use in General Business.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicant: Terry Diversified
Location: 618 N Central Ave, Bowie, 85605
APN: 302-11-032B and 032A
Area Size: 2.21 Acres
Current Zoning: R-36 (Residential, one dwelling per 36,000 square feet)
Proposed Zoning: GB (General Business)
Growth Area: C
Plan Designation: Developing
Existing Uses: Impound storage yard
Proposed Uses: Impound storage yard

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Residential
South	R-36	Single Family Residence (Owned by the Applicant)
East	R-36	Vacant – Bowie School District
West	R-36	Cemetery

Planning, Zoning and Building Safety

1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
planningandzoning@cochise.az.gov

II. PARCEL HISTORY

22-003958 – Code violation for storage of vehicles, semi-trailers, and RVs.

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 “C” Developing. The Developing designation allows for Commercial Zoning.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria for evaluating rezoning requests.

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

The proposal is intended to facilitate an impound yard. 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 2 acres. The site is large enough to accommodate the impound storage yard and other commercial uses.

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 nonconforming land uses and legitimize the existing use of the property.

5. Compatibility with Existing Development: Partially Complies

The area is located on a Central Highway in Bowie. Properties in the area include school-owned property to the east, a cemetery to the west, and residential uses. Although no other commercially zoned properties are in the immediate area, the area is designated as Developing in the Comprehensive Plan.

6. Rezoning to More Intense Districts: Complies

The project will require screening along the northern and eastern property boundaries. The applicant requests a waiver of the screening requirement to the south since the applicant owns the property.

7. Adequate Services and Infrastructure: Complies

Adequate infrastructure exists in the area for a commercially zoned property.

8. Traffic Circulation Criteria: Complies

Existing access from Central Avenue

9. Development Along Major Streets: Complies

Central Avenue is adequate to serve a commercially zoned property

10. Infill: Complies

This area is not located in an existing Enterprise or Enterprise Redevelopment area; however, the area is designated as Developing.

11. Unique Topographic Features: Complies

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

12. Water Conservation: Complies

No additional water is needed for the existing use of the property

13. Public Input: Complies

The applicant sent notices out to all property owners 300 feet. Staff mailed notices to the same neighboring property owners. Staff posted the property and published a legal notice in the Herald/Review. The Department received one letter in support.

14. Hazardous Materials: Complies

The property will all be required to comply with local, State, and Federal standards.

15. Compliance with Area Plan: Not Applicable

IV. SUMMARY AND CONCLUSION

The request is for rezoning from R-36 (Residential, one dwelling per 36,000) to GB (General Business) on 2.21 acres.

Factors in Favor of Approval

1. The request complies with fourteen of the applicable rezoning factors used by Staff to analyze this request;

Factors Against Approval

1. Partially complies with surrounding residential zoning.

V. RECOMMENDATION

The Planning and Zoning Commission unanimously recommended **approval** at their regular meeting on April 12, 2023.

Based on the factors in favor of approval, Staff recommends **approval** of this rezoning request from R-36 (Residential, one dwelling per 36,000) to GB (General Business) on a 2.21-acre area, subject to the following condition and modification to site development standard:

1. Condition: Screen the property on the north and east.
2. Modifying Site Development Standards: Waive the screening requirement along the south property boundary.