



MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Christine McLachlan, AICP, Planner Division Manager
FOR: Richard Karwaczka, County Administrator
SUBJECT: Docket RZ 23-11 and CPA 23-03
DATE: July 12, 2023, for the July 25, 2023, Meeting

APPLICATION FOR A COMPREHENSIVE PLAN MAP AMENDMENT WITH A CONCURRENT REZONING

The applicant, Shawn McKeown, requests a rezoning from RU-4 (Rural, one dwelling per 4-acres) to GB (General Business) and a concurrent comprehensive map amendment from D-Rural Residential to C-Developing on APN 104-75-006 (13.04 acres).

The request is to help facilitate future commercial development on the property. The request will help remove some potential barriers to the parcel's redevelopment and increase its marketability. The applicant has proactively requested conditional rezoning, which is intended to help promote compatibility of the use. The conditions include limiting potential permitted and special uses, attaching a zoning reversion clause, dedicating right-of-way to the county for road improvements, and mandating landscaping installation/maintenance.

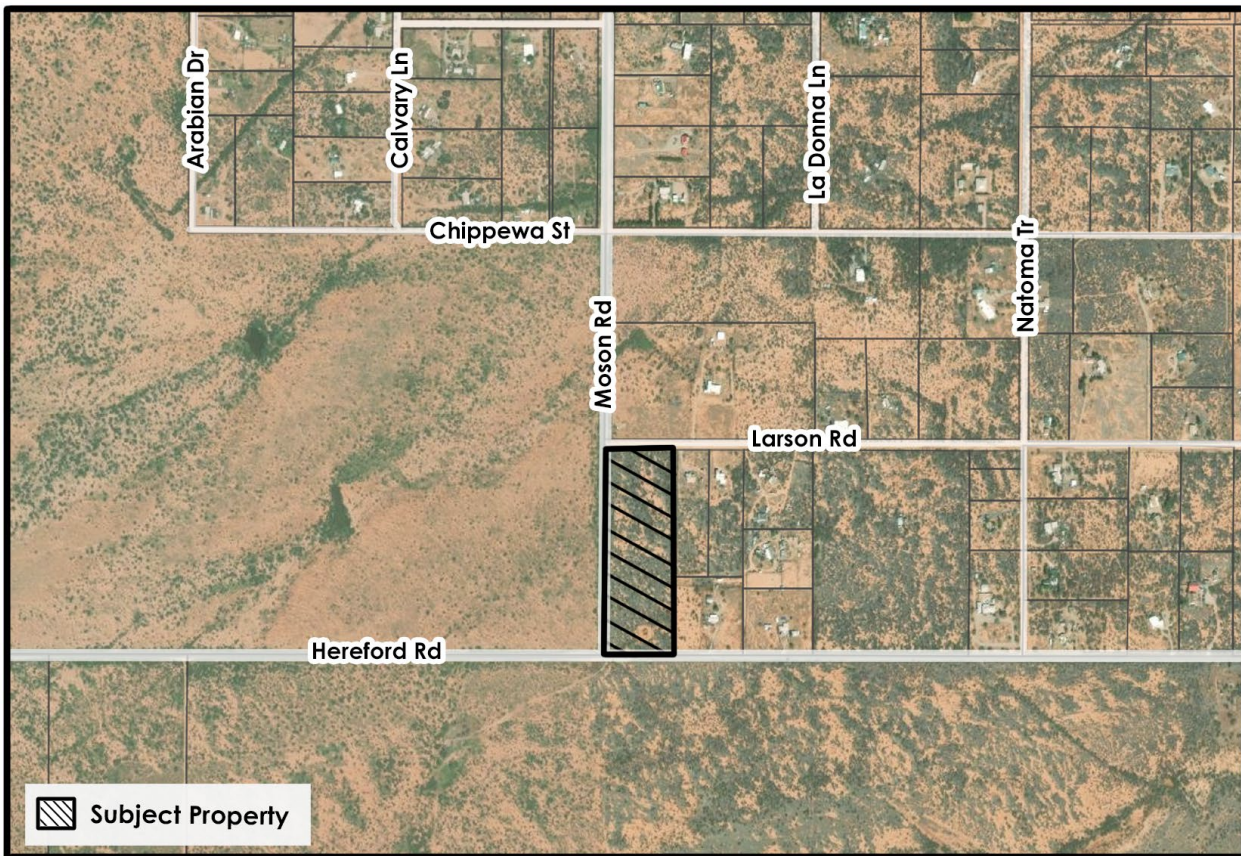
I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicant:	Shawn McKeown
APN:	104-75-006
Size:	13.04 acres
Current Zoning:	RU-4 (Rural, one dwelling per 4-acres)
Proposed Zoning:	GB (General Business)
Current Growth Area and Plan Designation:	D, Rural Residential
Proposed Growth Area and Plan Designation	C, Developing
Existing Uses:	Undeveloped
Proposed Uses:	Commercial

Zoning/Land Use and Use of Surrounding Properties

Relation to Subject Parcel	Zoning/Land Use	Use of Property
North	RU-4/D- Rural Res.	Larson Rd/low density residential
South	RU-4/D- Rural	Hereford Rd/Undeveloped
East	RU-4/ D-Rural Res.	Low density residential
West	RU-4/ D- Rural Res.	Hereford Rd/Undeveloped

Figure 1: Location



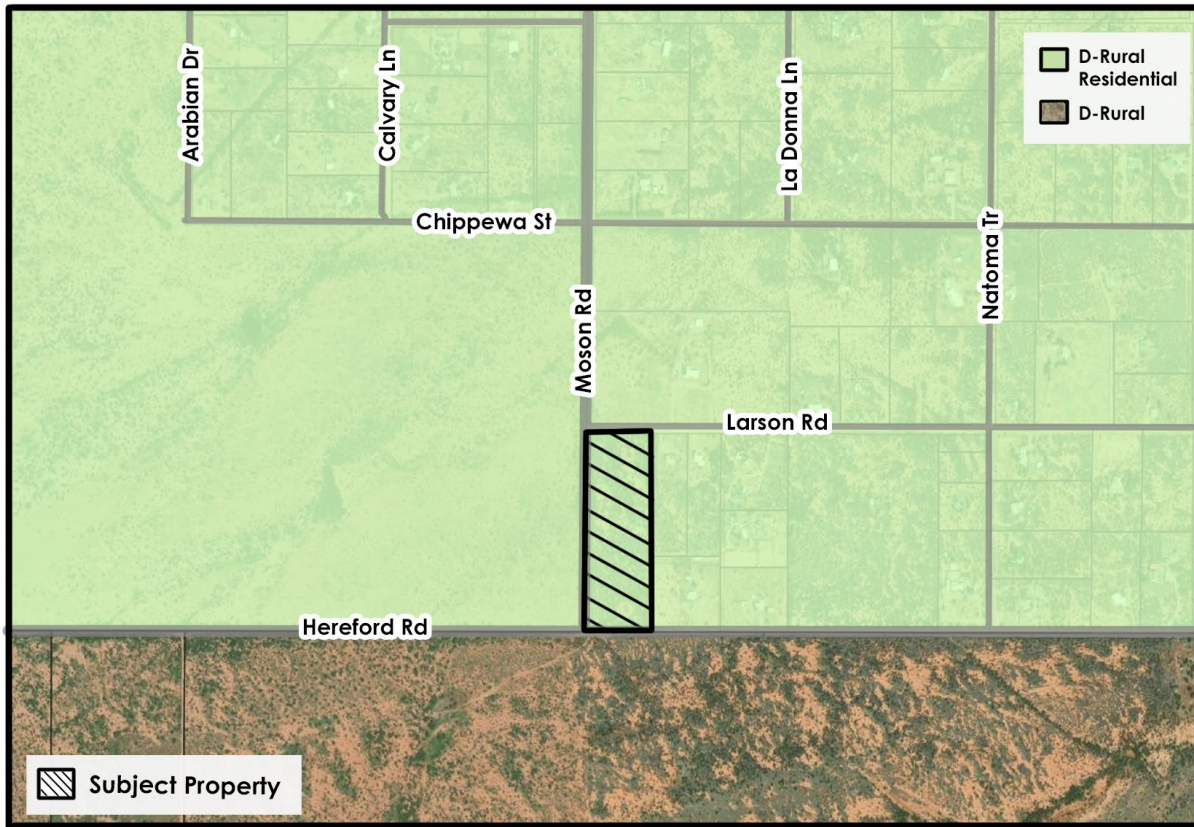
Location
 RZ 23-11/CPA23-03 Hereford Moson



II. PARCEL HISTORY

No parcel history, this is an undeveloped lot.

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



Land Use
RZ 23-11/CPA23-03 Hereford Moson



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 four of the six factors.

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

There are four land use categories and seven land use designations within the Comprehensive Plan.

EXISTING: Rural Residential (RR) Designation, “D” Category

The subject parcel carries the Rural Residential (RR) designation. According to the Plan, “The “Rural Residential” (RR) plan designation is used to describe areas in Category D (Rural) areas with a definite pattern

of residential development on larger lots, two acres or larger in size. Due to the well-established residential character of these areas, rezonings or special uses to allow for more intensive developments that do not directly serve the residents of these areas are not generally appropriate. Less intensive businesses that serve area residents may be appropriate.”

In addition, all subject parcels are within Category D - Rural Areas. As stated in the Plan, “This category includes the outlying rural areas between cities and unincorporated communities and characterized by a low rate of growth; unimproved roads; low density, large lot rural residential development; agricultural production; and large tracts of undeveloped private and public lands. Non-residential development is geared toward providing local services, tourism or intensive uses that are not appropriate in more the densely populated parts of the county, such as power plants and feedlots.”

PROPOSED: Developing Designation, “C “Category

The proposed designation of “Developing,” is described by the Plan as follows: “The “Developing” (DEV) plan designation is used to describe 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 as the more populated areas reach build-out. Since these areas are assumed to be in transition, the Planning Department will periodically re-evaluate these areas to determine if the rate of new development warrants a new designation or growth area that is either more or less intense. The Developing designation may occur in Growth Category A, B, and C Areas that do not meet the criteria of the other designations.”

Category C – Rural Community Areas is proposed for all subject parcels. This category is described by the Plan as “This category includes less populated rural communities that are characterized by a slow rate of growth and the desire to maintain the existing neighborhood or rural atmosphere. These areas are generally found as small clusters of residential and non-residential development adjacent to agricultural production areas. Non-residential enterprises generally serve or coincide with local agricultural, ranching or tourist activities. Category C areas are often populated enough to warrant or provide a K-8 grade school. Their rural, low density, and often scenic qualities have the potential to attract future residents at a growth rate that may warrant consideration of a plan change to Category B. Category C Rural Community Areas include those areas presently identified as “Category C” and additional areas that have been determined to meet the following criteria:

- a. Residential and non-residential development is clustered in settlements on a variety of lot sizes as typified in established town sites and immediate environs.
- b. Other than arterials and collectors, roads are generally unimproved. However, increases in residential and non-residential development will likely warrant improvements, such as paving, in the future.
- c. Farming and ranching are prevalent activities adjacent to these areas.
- d. Non-residential enterprises generally serve the rural/agricultural community as well as visitors passing through if located on a major arterial road.”

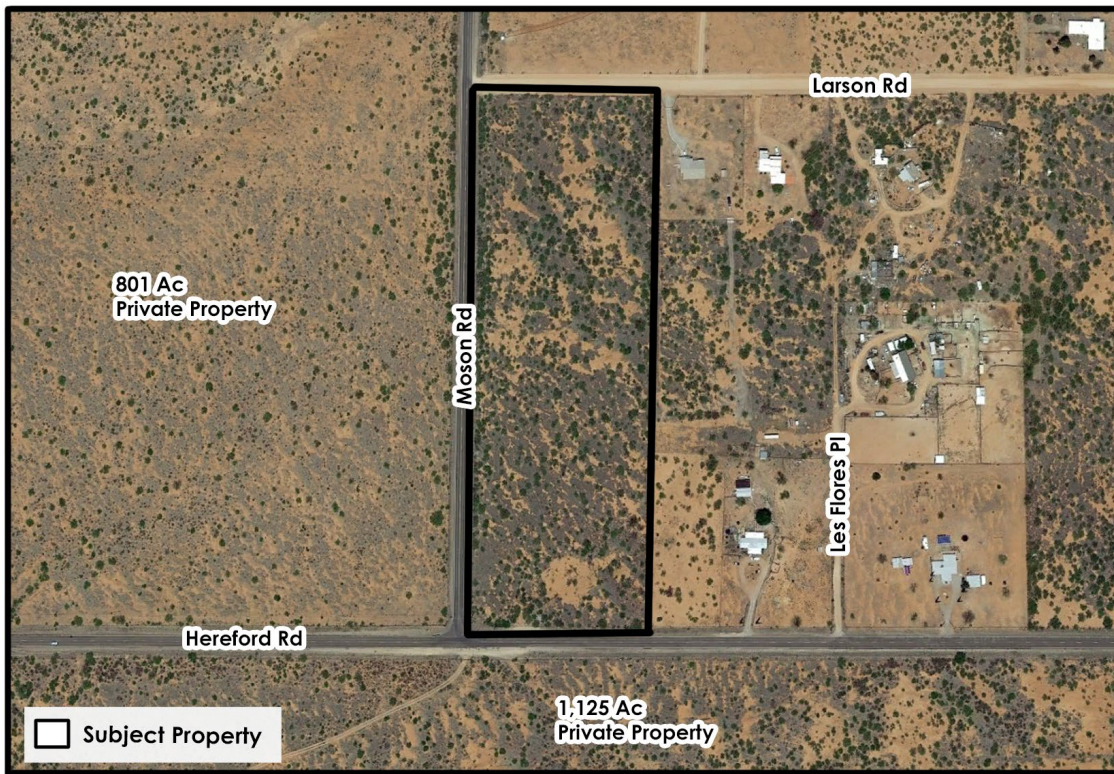
In order to change the land use designation, which more directly relates to zoning and allowable uses, the land use category must also be changes. The “Developing category” is only allowed in growth categories A, B, C. Permitted zoning districts within the existing designation (Rural) and proposed designation (developing) are as follows:

The most noticeable difference between the two are the allowance of the commercial zoning of General Business (GB) and Neighborhood Business (NB) as well as Light Industrial (LI) within the Developing designation. If this amendment is approved, additional commercial development in this area could be facilitated, at this potential node. Hereford Road and Moson Road are the two most significant roadways in

the Hereford area, other than AZ-92. A pre-scoping study is currently underway for Moson Road improvements. The study will examine how well traffic can move on this two-lane rural roadway both now and in the future. The study team will also consider the need for different modes of travel, like bicycles and equestrian riders, the turning movements of larger trucks and school buses at intersections as well as needs for drainage improvements.

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 La Sierra Grill and others impacted by the fire have been re-built or repaired. The spread of commercial development has gradually continued along Highway 92. This parcel is approximately 3.4 miles from the nearest commercial operation on Highway 92. Two of the largest undivided parcels under private ownership directly abut the subject parcel. If either of the two adjacent parcels were to develop or subdivide, there would be an even greater need for supporting commercial to serve the new population.



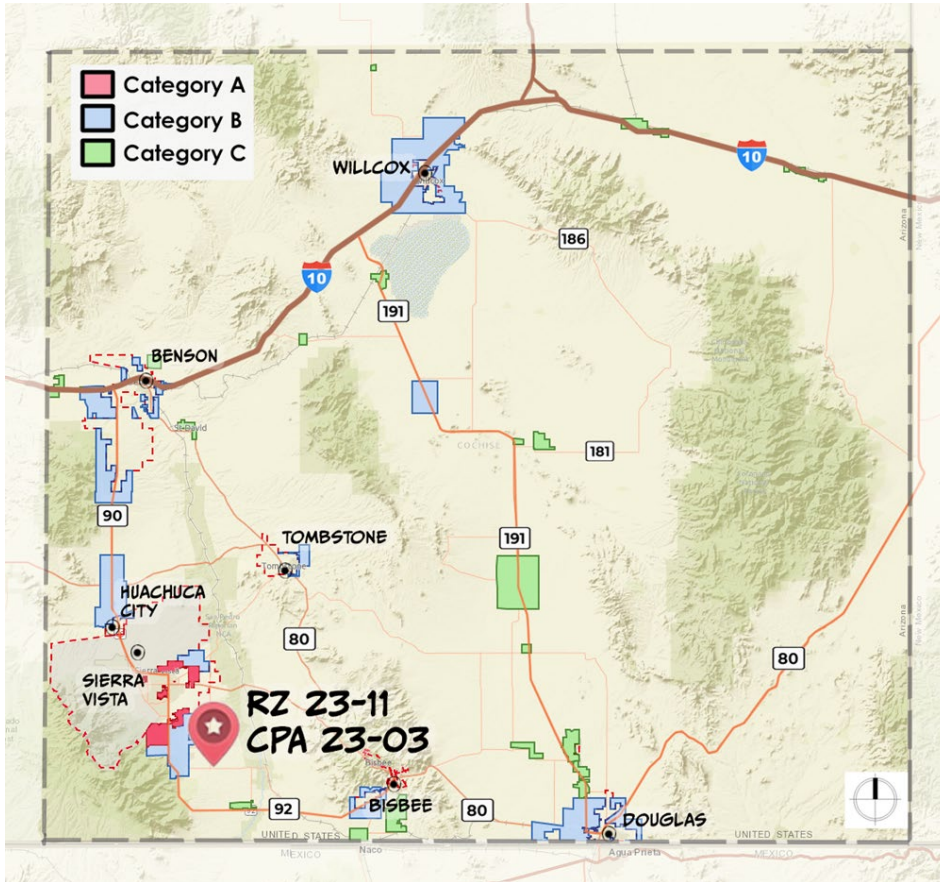
Site
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3. The Extension of Urban Standard Facilities and Services Have Changed the Optimum Type of Appropriate Development –Complies

This criterion is intended to apply to situations where major road improvements, extensions of waste disposal systems and water service have recently occurred. The best example of infrastructure improvements are the Moson Road improvements, which are in the planning stage and discussed above.

In addition, there is an unbalanced mix of land use in Cochise County. Over 90% of the County is within Category D land use, which largely does not permit commercial uses, such as restaurant and convenience stores, except by special use.



4. Substantial Support from Property Owners – Does Not Comply

See Section V of this report.

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

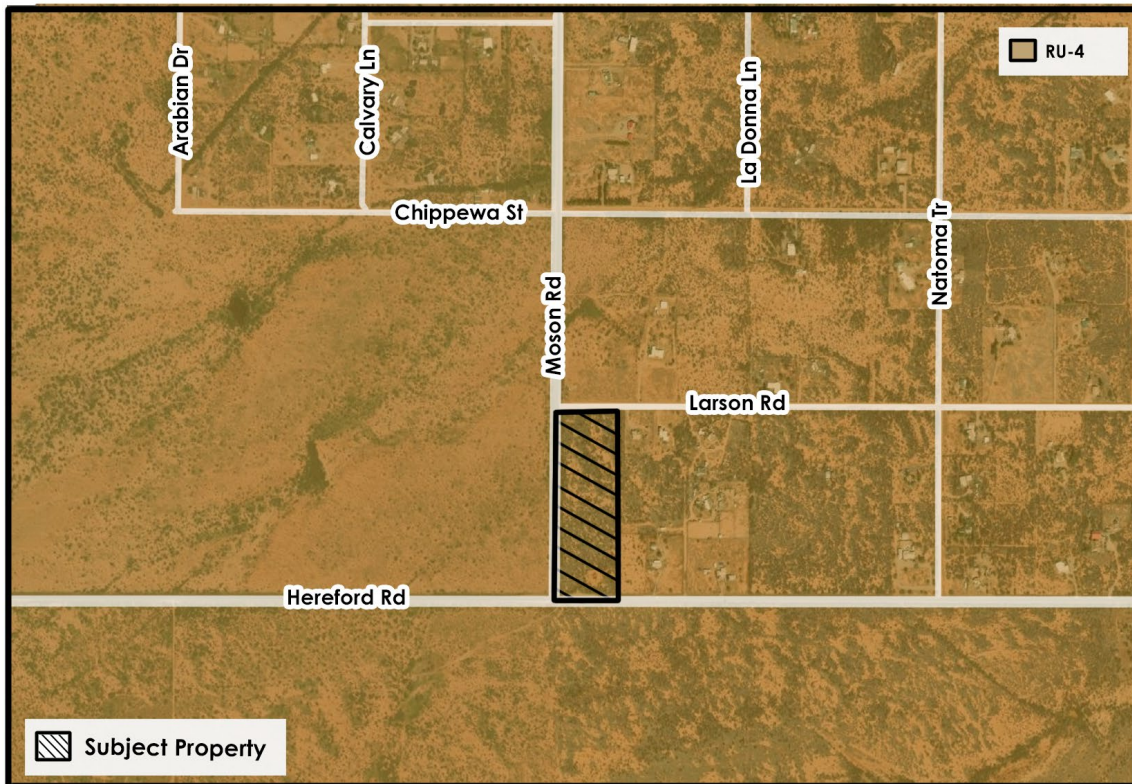
This is somewhat related to the substantial changes and extension of facilities factors. In recent years there has been an increase in residential development and permitting. The county regularly processes special use applications, particularly near municipal areas, to incorporate non-residential use compatible with their surroundings.

As stated in the application, “The parcel is of a sufficient size to accommodate a less intensive commercial use. A convenience store with a gasoline/service station on the corner of Hereford Rd. and Moson Rd. could provide over 10,000 residents who would otherwise have to drive a further distance for fuel. Just north of the convenience store would be retail sales locations including an indoor self-storage facility that would be gated for security. The goal is to create convenience to residents while keeping with the harmonious transition from rural to less intensive commercial businesses. All structures would be state of the art with beautiful landscaping keeping in touch with the natural surroundings of the native land.”

6. New Designation Provides a Harmonious Transition Between Existing Designations – Does Not Comply

While, ideally, there would be a gradual transition from “A” to “D” growth areas as distance increases from Sierra Vista’s municipal limits, the existing pattern (See Figure, above) is a area of growth category “B” extending either from Sierra Vista mucuipal limits or Category A. There are no “C” growth categories in the area. Consequently, there is not a harmonious growth pattern from which to transition. The nearest growth category C is in Palominas, where Highway 92 intersections with Hereford Road. However, there is a pontential for this parcel to form a small commercial node at the interesection of Hereford and Moson Roads.

IV. COMPLIANCE WITH REZONING CRITERIA



Zoning
RZ 23-11/CPA23-03 Hereford Moson



Mandatory Compliance: Complies

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, two can be met with conditions, as noted, three factors are not met by this request, and the remaining two factors do not apply. The following section of this report details and analyzes each individual criterion.

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

The applicant has not submitted a land use/concept plan. The plans for the parcel are speculative and contingent on commercial zoning being approved. If the land use amendment and rezoning are approved, all future site development will be required to comply with the development 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. To help compensate for this lack of specificity, the case planner recommends the following reversion condition:

- “The Applicant shall obtain a building/use permit for development of the property within ten years of Board of Supervisors approval of the rezoning, otherwise the rezoning approval shall be deemed null and void, and the property shall revert to RU-4 zoning.”

2. Compliance with Applicable Site Development Standards: Complies

The subject parcel is 13.04-acres, which is large enough to support a variety of standalone commercial development in accordance with all relevant site standards for GB zoning.

3. Adjacent Districts Remain Capable of Development: Complies

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

5. Compatibility with Existing Development: Complies with conditions

The subject parcel is surrounded by rural zoning. There are low density single-family homes to the north and east. The area to the south and west is undeveloped and could develop into a range of potential uses.

General business is an intense zoning category. To help mitigate for the intensity, and increase compatibility with existing development, the case planner recommends the following two conditions:

- The applicant has voluntarily agreed to reduce the number of potential allowable permitted uses on the site. Within GB zoning are 45 permitted principal uses, ranging from day care establishments (1202.04) to impoundment storage yards (1202.36). See Section Vi, condition 2 for a full list of conditioned permitted principal uses.
- The applicant has voluntarily agreed to reduce the number of potential allowable special uses on the site. Within GB zoning are 23 special uses, ranging from jails (1205.08) to repair services (unenclosed), small engine (1205.11). See Section Vi, condition 3 for a full list of conditioned permitted special uses.

6. Rezoning to More Intense Districts: Complies with Conditions

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 rural zoning district of RU-4.

General business is an intense zoning category, as discussed above. To help mitigate for the intensity, and increase compatibility with existing development, the case planner recommends the following two conditions:

- The applicant shall dedicate no less than fifty (50) feet for right-of-way to the county along Hereford and Moson Roads.
- This parcel shall not be exempt from the installation and maintenance of landscape, per Section 1806.02A of the Zoning Regulations. It shall be subject to the placement of landscaping requirements of 1806.02B of the Zoning Regulations.

Consequently, any new development will be set back and buffered from the roadway. Commercial landscape will also be required to be installed and maintained for the life of the project.

7. Adequate Services and Infrastructure: Complies

This factor is used to determine if there are adequate services and infrastructure to serve an intensification of zoning. This is an undeveloped parcel. There is no community water system or sewer in the area. There is no natural gas serving the property. It is within the areas served by Sulfur Springs Valley Electric Co-op (SSVEC) for electricity. It is approximately three miles south of Fry Fire Station number 3.

Potential impacts to traffic will be further analyzed by County 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 Moson Road.

8. Traffic Circulation Criteria: Complies

This request is consistent with preservation of the functions of surrounding streets as defined in the Comprehensive Plan. Moson and Hereford roads are the only two major collector roads in Hereford. Traffic to serve the parcel will occur on these two non-residential roadways. No additional traffic should occur on any surrounding residential streets.

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. Preference will be given to a single access point along Moson Road to avoid potential conflicts near the intersection of Moson and Hereford roads.

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 uncertainty regarding a potential form of development, staff feels the “Developing” category is most appropriate in this case and in this 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. Rezoning encompassing such areas will be discouraged unless the developer carefully plans development around these areas, such that they are appropriately protected. The parcel is not within a floodplain and there are no steep slopes present, making the parcel physically a good candidate for development.

12. Water Conservation: Complies

The property is undeveloped. It is 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: Does Not Comply

See section V.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

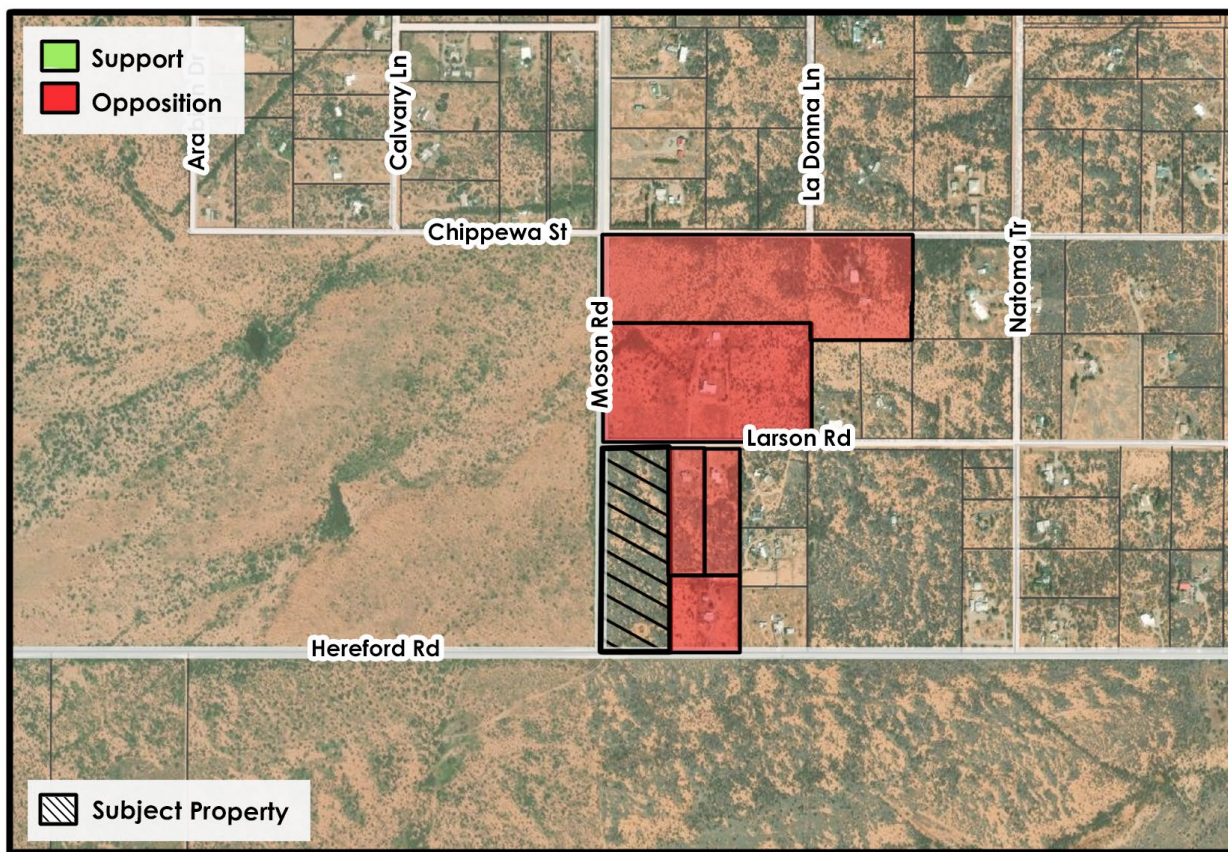
15. Compliance with Area Plan: Not Applicable

The subject property is not located within an area plan.



V. PUBLIC INPUT

On May 22, 2023, all property owners within 1,500 feet of the subject parcels were sent a letter with information about land use map amendment request from the applicant. On June 1, 2023, all property owners within 1,500 feet of the subject parcels were sent a letter with information about land use map amendment request from the case planner. Property owners 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, a public hearing notice was provided in the Sierra Vista Herald on June 16, 2023 and the notice was posted on the county website. As of July 12, 2023, staff has received 1 letters in support and 11 letters in opposition to the request. See Figure below. Note: seven of the responses received were outside the mailing radius and the extent of the map below and are consequently not visually indicated. All written responses are included in the memo attachments. There is also a petition of opposition attached. The names and signatures have not been verified by staff.



Public Input
RZ 23-11/CPA23-03 Hereford Moson



VI. RECOMMENDED CONDITIONS

1. The Applicant shall obtain a building/use permit for the property within ten (10) years of Board of Supervisors approval of the rezoning, otherwise the rezoning approval shall be deemed null and void, and the property shall revert to RU-4 zoning.
2. The permitted principal uses of the property shall be limited to the following, provided that they conform to the applicable site development standards for such uses set forth below and meet any other requirements for such uses found in these Zoning Regulations, such as off-site road and

drainage improvements:

1202.04 Day Care Facilities or Establishments.

1202.10 Civic, Social, Fraternal, and/or Business Associations.

1202.11 Hospitals, including Ambulatory Services.

1202.12 Personal and Professional Services.

1202.13 Banks and/or Banking Services.

1202.15 Veterinary Clinics and/or Animal Hospitals.

1202.18 Recreational Facilities, Indoor and/or Outdoor

1202.20 Gasoline/Service Stations.

1202.21 Convenience Stores.

1202.22 Grocery Stores.

1202.23 Restaurants, Bars, Taverns, and/or Off-site Winery Tasting Room.

1202.24 Shopping Centers.

1202.25 Retail Sales/Rentals.

1202.27 Repair Services, Light.

1202.29 Communications Towers at a maximum height of 40 feet, subject to site development standards in Article 18

1202.32 Mini-Warehouses.

1202.40 Health Clinics.

1202.41 Car Washes.

3. The permitted special uses of the property, which require a Special Use Authorization from the Planning Commission in the GB Zoning Districts, subject to the procedures and review criteria set forth in Article 17. If granted, each land use will also require a Non-Residential Use permit. Future special uses of the property shall be limited to the following:
 - 1205.01 Manufacturing, Wholesaling, Warehousing, Distribution, and/or Storage of Good
 - 1205.10 Repair Services, Large Engines
 - 1205.11 Repair Services (unenclosed), Small Engines.
4. The applicant shall dedicate no less than fifty (50) feet for right-of-way to the county along Hereford and Moson Roads.
5. This parcel shall not be exempt from the installation and maintenance of landscape, per Section 1806.02A of the Zoning Regulations. It shall be subject to the placement of landscaping requirements of 1806.02B of the Zoning Regulations.

VII. SUMMARY AND CONCLUSIONS

Factors in Favor of the Comprehensive Plan Amendment

1. The pattern of growth no longer reflects the type of growth expected in the current designation. Substantial changes have occurred, or are likely to occur, in the area.
2. The current land use countywide land use pattern is unbalanced. Over 90% of the County is D-Rural/Residential. There is very little Category C land use/developing designation, which allows for commercial zoning.
3. The subject property is at the intersection of two major local roads, making it a less desirable location for rural residential living.
4. Given the location/visibility/accessibility of the parcel, low density residential is not the highest and best use of the property.
5. Based on the factors in favor of approval, the Planning and Zoning Commission recommended forwarding conditional approval of the rezoning and comprehensive map amendment request at their

July 12, 2023 meeting by a vote of 5 to 3 (approve, deny).

Factors not in favor of the Comprehensive Plan Amendment

1. The application does not have substantial support from neighboring property owners.
2. The Comprehensive Plan Amendment will break the Growth Area and Plan Designation pattern of D Rural and D-Rural Residential.

Factors in Favor of the Rezoning

1. There is very little GB zoning in Cochise County. This zoning is only permitted within the Enterprise and Developing plan designations.
2. If the board conditionally approves the request, future redevelopment will be limited to some of the less intensive commercial uses, it will be held to a higher standard for landscape installation and maintenance, and the county will gain 50' of ROW along Hereford and Moson Roads.
3. Based on the factors in favor of approval, the Planning and Zoning Commission recommended forwarding conditional approval of the rezoning and comprehensive map amendment request at their July 12, 2023 meeting by a vote of 5 to 3 (approve, deny).

Factors not in favor of the Rezoning

1. The application does not have substantial support from neighboring property owners.
2. The rezoning will break the development pattern of RU-4 zoning in the area.

VII. COMMISSION VOTE

This item was heard by the Planning and Zoning Commission on July 12, 2023. Several member so the community spoke in opposition and there was significant commission discussion regarding the request. Staff recommends that the Board review all application attachments and as well as the recording of the meeting, which is available online. Below is a summation of the commission vote:

- Chair DePew (District 1): Deny
- Vice Chair Montgomery (District 1): Approve
- Member Limbach (District 1): Deny
- Member Gonzalez (District 2): Approve
- Member Watkins (District 2): Deny
- Member Young (District 2): Approve
- Member Saunders (District 3): Approve
- Member Martzke (District 3): Approve
- Member Welch (District 3): Absent

VII. RECOMMENDATIONS

- Based on the factors in favor of approval, the Planning and Zoning Commission recommended forwarding **approval** of the conditional rezoning and comprehensive map amendment request at their July 12, 2023 meeting by a vote of 5 to 3 (approve, deny). See discussion above.
- Staff recommends forwarding to the Board of Supervisors a recommendation of **approval** to adopt Resolution 23-XX to approve Docket CPA-23-03 (Hereford Moson), a minor amendment to the Comprehensive Plan Growth Areas and Land Jurisdiction Map of the Cochise County Comprehensive Plan, and adopt Zoning Ordinance 23-XX, to approve Docket RZ 23-11 (Hereford Moson), to conditionally rezone parcel 104-75-006 from RU-4 (Rural, one dwelling per 4 acres) to GB (General

Business) pursuant to the application of Mr. Shawn McKeown.