



## Development Services

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### MEMORANDUM

**TO:** Cochise County Board of Supervisors  
**FROM:** Matthew Taylor, AICP, Planner II  
**FOR:** Richard Karwaczka, County Administrator  
**SUBJECT:** Docket RZ23-18 (Beki Lane)  
**DATE:** November 28, 2023

### Docket RZ23-18 (Beki Lane)

The applicant requests rezoning of approximately 38.7 acres from R-36 (Residential, one dwelling per 36,000 square feet) to GB (General Business). The subject property is located on the west side of Beki Lane north of State Route 80.

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

Applicant: Jacob Linde  
Location: Beki Lane and SR 80  
APN: 408-12-004C and 004D  
Parcel Size: 38.7 acres  
Current Zoning: R-36 (Residential, one dwelling per 36,000 square feet)  
Proposed Zoning: GB (General Business)  
Growth Area: B – Community Growth  
Plan Designation: Developing  
Area Plan: None  
Existing Uses: Undeveloped  
Proposed Uses: Business

### Surrounding Zoning and Land Uses

North	R-36	Undeveloped, SFRs
South	GB	Undeveloped, automobile impound yard, metal fabrication
East	R-36	Undeveloped
West	GB	Undeveloped

### II. PARCEL HISTORY

None. The property is undeveloped.

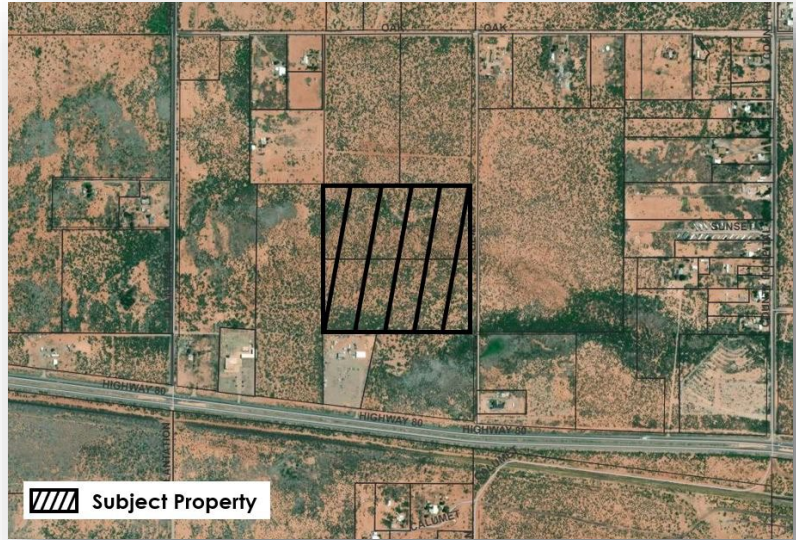
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### III. NATURE OF REQUEST

The applicant requests upzoning the parcels from residential to commercial. The parcels have frontage along Beki Lane and are located less than ¼ mile north of State Route 80.

#### Mandatory Compliance

Section 2.63.080 of the Zoning Regulations requires zoning district boundaries be in accordance with the Comprehensive or Area Plan designation. In this case, the proposed upzone to GB is consistent with the “Developing” Comprehensive Plan designation.

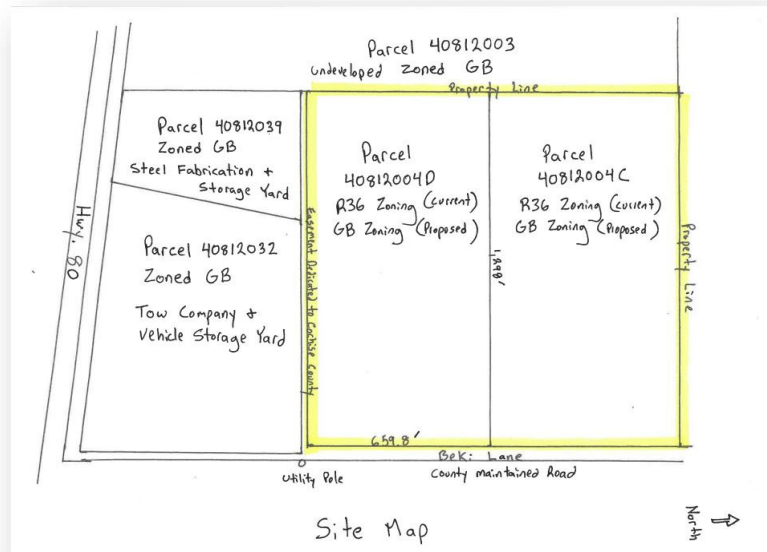


#### Compliance with Rezoning Criteria

Section 2.63.080 of the Zoning Regulations provides fifteen criteria for evaluating rezoning requests:

##### 1. Adequate Land Use/Concept Plan: Does not Comply

A future land use/concept plan demonstrating future commercial uses is not provided. A general site map is provided but future land uses are speculative and contingent on rezoning approval. The applicant has identified vehicle/equipment storage, mini-warehouses, and wholesale/distribution as potential uses. If the zoning is approved, future site development must comply with GB and other applicable development standards, including Sections 2.33 and 2.51 of the Zoning Regulations. These standards include maximum height and site coverage, building setbacks and separation, and landscaping and screening.



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

The subject parcels total just over 38 acres and are large enough individually or combined to support a variety of commercial uses and meet all required site development standards.

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

Rezoning the parcels to GB would not preclude surrounding properties from being developed in a manner

consistent with their current GB and R-36 zoning districts.

#### 4. Limiting Creation of Nonconforming Uses: Complies

Rezoning the parcels to GB does not create any nonconforming land uses as the properties are undeveloped.

#### 5. Compatibility with Existing Development: Partially Complies

The parcels are adjacent to GB zoned properties to the south and west. Uses to the south consist of an impound yard and metal fabrication shop. Rezoning the subject parcels to GB would likely lead to development that is compatible with these existing commercial uses. Undeveloped properties to the north are zoned R-36 as is a large undeveloped, 58-acre property to the east. Required setbacks, landscaping, and buffer requirements in conjunction with the relatively large acreages of these adjacent residentially zoned properties would significantly mitigate potential incompatibilities. In addition to residential uses, R-36 zoning also allows non-residential uses such as places of worship, indoor and outdoor recreational facilities, and emergency vehicle stations.



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

The Zoning Regulations state that properties with less intense zoning districts should be protected when abutting property with more intensive zoning districts. In this case, there are two undeveloped parcels to the north consisting of about 20 acres with R-36 zoning. If the rezone to GB is approved, county Zoning Regulations require a minimum building setback of 40' along the north property line and a solid screen with a minimum height of 6' above grade. The Zoning Regulations defines a solid screen as a solid wall or fence, or combination of the two, that cannot be seen through.

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

This factor is used to determine if adequate services and infrastructure are in place to support more intensive land uses. The property is undeveloped and there are no community water or sewer systems in the area – future development will rely on well and septic. The property is located within the APS service area. Natural gas is not available. Pirtleville Fire Station #1 is approximately 4 miles to the east. Adequate services and infrastructure are in place to develop the property for residential or commercial uses. The county will review future development applications for required roadway improvements which will include chip sealing Beki Lane along the property frontage.

#### 8. Traffic Circulation: Complies

The property has adequate access for development. The parcels front on county-maintained Beki Lane and State

Route 80 is less than ¼ mile south. The property can also be accessed from Oak Avenue via Plantation Road or County Hospital Road. Plantation and County Hospital Roads are county-maintained and paved. Oak Avenue is county-maintained but is not paved in the vicinity of Beki Lane. Most traffic to the site will access Beki Lane from SR 80; however, due to the median at Beki Lane, traffic leaving the site will be restricted to right turn movements on SR 80. Traffic seeking to travel eastbound from Beki Lane can execute a left turn at Plantation Road onto eastbound SR 80.

#### 9. Development Along Major Streets: Not Applicable

This property is not located on a major street. The parcels front on Beki Lane which has a dedicated roadway width of 60'. Future site development will comply with county standards, including access points and roadway surfacing.

#### 10. Infill Compatibility: Complies

County zoning regulations encourage rezonings to GB occur within areas designated by the Comprehensive Plan as "Enterprise" or "Enterprise Redevelopment." The subject property's land use classification is "Developing" which is considered a transitional land use designation. However, GB zoning is consistent with "Developing," when located within growth area Category A (Urban Growth), Category B (Community Growth), or Category C (Rural Community). The property is within Category B which is described by the Plan as areas near urban or large unincorporated communities intended to support moderate levels of residential and non-residential growth. Beki Lane's dedicated 60' road width can support limited commercial development and may contribute to the area bound by SR 80, Oak Avenue, and Plantation Road developing into a mixed-use or predominately commercial node.



#### 11. Unique Topographic Features: Not Applicable

Rezoning to more intense zoning districts are discouraged for properties with unstable soils, steep slopes, or flood hazards unless a developer carefully designs site improvements around these areas. The parcels do not feature unique topographical features and are good candidates for either residential or commercial uses of low to moderate intensity.

#### 12. Water Conservation: Complies

The property is not located within any sensitive water overlay zones, conservation areas, or watersheds. Future development will comply with water conservation regulations and policies identified in the Zoning Regulations and Comprehensive Plan.

**13. Public Input: Complies**

Per Section 2.63.030 of the Zoning Regulations, the applicant notified property owners within 300' of the proposed rezone on August 5, 2023. The applicant received one general inquiry and no responses in support or opposition. Staff published legal notice in the Herald/Review and mailed notices to property owners within 1320' of the subject property on October 18, 2023. Staff posted the property on October 10, 2023. The Department received no responses.

**14. Hazardous Materials: Not Applicable**

Future property uses are undetermined though uses involving hazardous materials have not been proposed by the applicant. Permitted uses within GB zoning will be allowed by right. More intense uses requiring a Special Use Authorization may be allowed with approval by the Planning and Zoning Commission during a public hearing.

**15. Planning Policies: Complies**

The subject property is designated by the Comprehensive Plan as "Developing" and is located within growth area Category B. A rezone to GB is consistent with these land use classifications.

**IV. SUMMARY AND CONCLUSION**

The request is to rezone two parcels totaling about 38.7 acres from R-36 to GB. The area is characterized by commercially zoned properties along the State Route 80 frontage, transitioning to residential and rural zoned properties further north. Land uses include commercial uses to the south, sporadic single-family residences to the north, and undeveloped parcels to the east and west. The parcels also abut undeveloped commercial zoned properties to the west. One of these commercial properties has frontage along the majority of Plantation Road between State Route 80 and Oak Avenue.

The GB district allows a variety of office, retail, and service commercial and small-scale warehousing and distribution uses. The properties are large enough to comply with GB development standards, including building setbacks, on-site parking and circulation, and landscaping. The site will be accessible from Beki Lane via State Route 80 or Oak Avenue by way of Plantation Road.

**Factors in Favor of Approval**

1. Complies with ten applicable rezoning factors used to analyze zoning amendments.
2. Allows uses generally compatible with existing development pattern.

**Factors Against Approval**

1. A land use/concept plan is not provided with the rezoning application.
2. The subject parcels abut undeveloped, residentially zoned parcels to the north. These properties may or may not be developed with residential uses prior to development of the subject property. Staff suggests mitigating a potential land use incompatibility with a condition requiring a 20' landscape buffer along the north property line of parcel 408-12-004C, as currently configured, if either property to the north has an established residential use.

**V. RECOMMENDATIONS**

- Based on the factors in favor of approval, the Planning and Zoning Commission forwarded a recommendation of **approval** to the Board of Supervisors (5-0) at their November 8, 2023, meeting with the following condition:
  - At the time of development, a 20' landscape buffer is required along the north property line of APN 408-12-004C, as currently configured, if a residential use is established on an abutting property to the north.
- Based on the factors in favor of approval, Staff forwards a recommendation of **approval** to the Board of Supervisors to rezone parcels 408-12-004C and 408-12-004D from R-36 (Residential, one dwelling per 36,000 square feet) to GB (General Business) with the above condition.

**Sample Motion:** *Madam Chair, I move to approve Docket RZ23-18, rezoning parcels 408-12-004C and 408-12-004D from R-36 to GB with the recommended condition, the Factors of Approval constituting the Findings of Fact.*

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