



## Development Services

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### MEMORANDUM

**TO:** Cochise County Board of Supervisors  
**FROM:** Matthew Taylor, AICP, Planner II  
**THROUGH:** Christine McLachlan, AICP, Planning Division Manager  
**FOR:** Richard Karwaczka, County Administrator  
**SUBJECT:** Docket RZ24-03 (Dove Song Lane)  
**DATE:** March 26, 2024

### Docket RZ24-03 (Dove Song Lane)

The applicant requests rezoning of 2 acres out of APN 104-68-005G from RU-4 (Rural District, minimum 4-acre site area) to GB (General Business District) to allow a veterinary clinic.

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

Applicant: Clinton Gray  
Location: 10501 S. Dove Song Lane  
APN: 104-68-005G  
Parcel Size: 2 acres  
Current Zoning: RU-4  
Proposed Zoning: GB  
Growth Area: C – Rural Community Areas  
Plan Designation: Business/High Density Residential  
Area Plan: Southern San Pedro Valley  
Existing Uses: Undeveloped  
Proposed Uses: Veterinary Clinic

### Surrounding Zoning and Land Uses:

|       |          |   |
|-------|----------|---|
| North | GB, R-36 | Commercial, Single Family Residential                 |
| South | RU-4     | Undeveloped, Single Family Residential, Agriculture   |
| East  | GB, RU-4 | Commercial, Single Family Residential                 |
| West  | RU-4     | Undeveloped, Miracle Valley Bible College (abandoned) |

### II. PARCEL HISTORY

The 2-acre project area is undeveloped. The balance of the parcel has a single-family residence and multiple accessory structures.

### III. NATURE OF REQUEST

The applicant requests rezoning 2-acres out of an 18.5-acre parcel from RU-4 to GB. The rezoning area has frontage along Highway 92 and will be developed as a veterinary clinic.

#### 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 "Business/High Density Residential" area plan designation.

#### Compliance with Rezoning Criteria

Section 2.63.080 of the Zoning Regulations provides fifteen (15) criteria for evaluating rezoning requests:

##### **1. Adequate Land Use/Concept Plan: Complies**

A future land use/concept plan is provided indicating a veterinary clinic as the future use. The plan identifies a 2-acre project area with 418' of frontage along Highway 92 with one access point. If the rezoning is approved, site development must comply with GB and other applicable development standards, including Sections 2.33 and 2.51 of the zoning regulations. Standards include maximum height and site coverage, building setbacks and separation, landscaping and screening, and onsite parking and circulation. Site development must also comply with applicable building, health, and floodplain/stormwater codes.

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

The project area appears adequately sized to support the proposed veterinary clinic and meet required county development standards. Additional site development standards are identified in the Southern San Pedro Valley Area Plan relative to site design and building design. Area appropriate landscaping, signage, colors, materials, fencing, and shielded lighting are among additional improvements addressed in the plan.

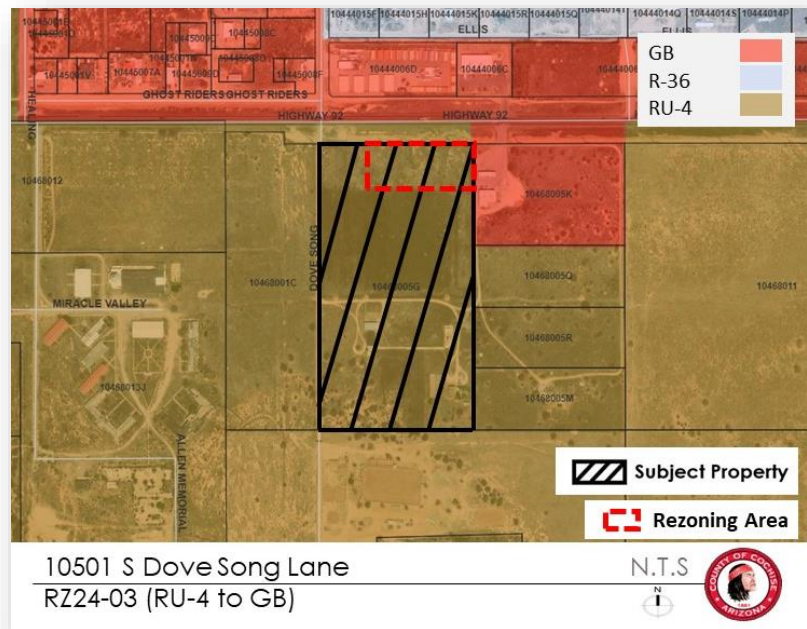
##### **3. Adjacent Districts Remain Capable of Development: Complies**

Rezoning the property to GB does not prevent surrounding properties from being developed in a manner consistent with their current GB and RU-4 zoning districts.

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

Rezoning the parcels to GB does not create any nonconforming land uses as the property is undeveloped.

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



Properties near the project site along the north side of Highway 92 are zoned GB. This zoning extends approximately one mile from Healing Way east to Cana Street. Land uses include a retail store, mini-storage, contractor facilities, automobile repair, and a worship center. The south side of Highway 92 is characterized by large parcels zoned RU-4. Much of this land area is either undeveloped or used for grazing with sporadic single-family residences. The parcel immediately east of the project site is zoned GB with an existing convenience store with fuel sales. The abandoned Miracle Valley Bible College is among the large RU-4 parcels in this area.

**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, the subject property abuts three properties: a property to the east zoned GB with a convenience store and property to the west and south zoned RU-4 that are owned by the applicant. County zoning regulations require a minimum building setback of 40' along the west property line and 5' along the east property line. Also required along property lines adjacent to residential zoning districts is a



solid screen with a minimum height of 6' above grade. The zoning regulations defines solid screen as a solid wall or fence, or combination of the two, that cannot be seen through with or without vegetation.

**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 has direct access to a major, maintained roadway (Highway 92) and falls within Palominas Fire District and Arizona Public Service (APS) service areas. Palominas Fire Station is located about ¼ mile east of the subject property. Water may be available from Southern Sunrise Water Company which has a service area boundary along the north side of Highway 92 and an on-site septic system is proposed along with contracted waste disposal services.

**8. Traffic Circulation: Complies**

The property has adequate access for development. The project site fronts Highway 92 which is classified as a Rural Major Collector in the county's transportation plan though this roadway falls within Arizona Department of Transportation (ADOT) jurisdiction. The county is not requiring a traffic analysis and the use is not intense enough to impact Highway 92 functional classification. Additional right-of-way (ROW) is not required as the full 200' width exists at the property. The project area does not have secondary access to any residential streets.

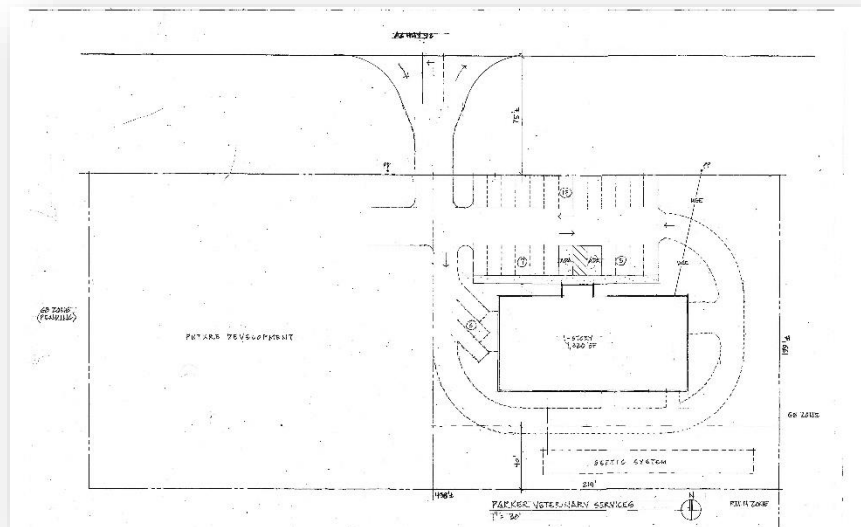
**9. Development Along Major Streets: Complies**

The county is not requiring a ROW permit for the site since Highway 92 is within ADOT's jurisdiction. The State will require a ROW permit to review proposed property access and an encroachment permit for installation of a rural mail delivery box if this service is desired by the current/future property owner. ADOT will also

evaluate the range of animal service provided by the proposed veterinary clinic. If large animal services are included at this location, the State will likely require a gate with closure outside of normal business hours. A cattleguard can also be constructed at the ROW line. Additional requirements could be identified during the State's permitting process and subsequent site visits.

#### 10. Infill Compatibility: Complies

County zoning regulations encourage GB zoning in areas designated by the comprehensive plan as "Enterprise" or "Enterprise Redevelopment." In this case, the subject property's land use designation per the south San Pedro Valley area plan is "Business/High Density Residential." The plan identifies several uses as being compatible with the rural residential character of the plan area, including guest ranches, camp grounds, recreational uses, nature exhibits, plant nurseries, feed stores, and veterinary clinics. The property is located within county growth area C which exhibits clustered residential and non-residential development, farming and ranching, and non-residential uses that serve the rural/agricultural community. GB zoning is compatible with existing zoning and the mix of commercial, large acre residential, and agricultural uses in the area.



#### 11. Unique Topographic Features: Complies

Flood Zone X impacts the project area and most properties in the vicinity along the north and south sides of Highway 92. A floodplain use permit will be required at construction as will onsite stormwater retention. The property is otherwise without unique topographical features such as unstable soils or steep slopes.

#### 12. Water Conservation: Complies

Future development is subject to compliance 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 January 26, 2024, without response. Staff published legal notice in the Herald/Review and mailed notices to property owners within 600' of the subject property on February 21, 2024. Staff posted the property on February 20, 2024. The Department received one response in opposition.

#### 14. Hazardous Materials: Not Applicable

Hazardous material use is not proposed with the future veterinary clinic.

#### **15. Planning Policies: Complies**

The subject property is designated by the Southern San Pedro Valley Area Plan as “Business/High Density Residential.” Veterinary clinics are specifically identified in the plan as an appropriate use in the planning area. The property falls within Growth Area C which extends about 355’ south of the Highway 92 right-of-way, encompassing the proposed project area but not the entirety of the 18.5 parent parcel. Rezoning the 2-acre portion of property to GB is consistent with these land use designations.

#### **IV. SUMMARY AND CONCLUSION**

The request is to rezone a 2-acre portion of an 18.5-acre property from RU-4 to GB to allow a veterinary clinic. The clinic will be indoor at start up and may include outdoor pens, barns, or boarding facilities in the future, depending on business needs and customer demand. Several properties near the project site are zoned GB and area commercial uses include retail and convenience stores, mini-storage, auto repair, worship center, and contractor services. Remaining parcels are typically large acreages with residential or agricultural uses with RU-4 zoning, which allows residential and some non-residential uses by right. The requested zoning district and proposed use are consistent with land use and growth area designations identified in the Southern San Pedro Valley Area Plan and Comprehensive Plan.

#### **Factors in Favor of Approval**

1. Complies with 14 applicable rezoning factors used to analyze zoning amendments.
2. GB zoning is consistent with Southern San Pedro Valley Area Plan designation and established in the vicinity.
3. Proposed use is generally consistent with existing development pattern along Highway 92.

#### **Factors Against Approval**

1. None identified.

#### **V. RECOMMENDATIONS**

Based on the factors in favor of approval, the Planning and Zoning Commission recommended approval of Docket RZ24-03 (7-0) at their March 13, 2024, meeting without conditions.

Based on the factors in favor of approval, Staff also recommends approval of Docket RZ24-03 without conditions, rezoning 2 acres out of parcel 104-68-005G from RU-4 (Rural District, one dwelling per 4 acres) to GB (General Business District).

#### **Sample Motion**

Madam Chair, I move to approve Docket RZ24-03, rezoning 2 acres out of parcel 104-68-005G from RU-4 (Rural District, one dwelling per 4-acres) to GB (General Business District), the Factors in Favor of Approval constituting the Findings of Fact.