



Development Services

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Matthew Taylor, AICP, Planner II
FOR: Richard Karwaczka, County Administrator
THROUGH: Christine McLachlan, AICP, Planning Division Manager
SUBJECT: Docket RZ24-09 (Highway 92/Keeling Road)
DATE: July 23, 2024

Docket RZ24-09 (Highway 92/Keeling Road)

A request to rezone property at the northwest corner of S. Highway 92 and E. Keeling Road from R-36 (Residential District, one dwelling per 36,000 square feet) to GB (General Business District).

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Robert Maloney
Location: 5000 Block of Highway 92
APN: 105-40-004
Parcel Size: 4.5 acres
Current Zoning: R-36
Proposed Zoning: GB
Growth Area: B – Community Growth Areas
Plan Designation: Developing
Area Plan: None
Existing Use: Undeveloped
Proposed Use: Undetermined

Surrounding Zoning and Land Uses:

North	GB	Church
South	GB	Commercial
East	GB	Undeveloped
West	R-36	Single Family Residences

II. PARCEL HISTORY

None.

III. NATURE OF REQUEST

The applicant requests upzoning 4.5 acres from R-36 to GB to allow future business uses.

Mandatory Compliance

Section 2.63.080 of the zoning regulations requires zoning district boundaries be in accordance with comprehensive or area plan designations. In this case, the proposed rezone to GB is consistent with the "Developing" comprehensive 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: Does not Comply

The applicant has not provided a concept plan for future development, as the rezone is without a user and speculative at this time. Future development of the site will comply with applicable standards identified in the zoning regulations including setbacks, height, lot coverage, landscaping, screening, parking and loading, vehicular access, and other county site development standards.

2. Compliance with Applicable Site Development Standards: Complies

The property totals about 4.5 acres and is large enough to support a variety of commercial uses while meeting applicable development standards. Since the property abuts properties with residential zoning, 40' setbacks are required along the west and a portion of the north property line. Screening is also required along these property lines (solid wall, fencing, vegetation) to minimize the impacts of a non-residential use on an adjacent residential property. Property access from Highway 92 will require a right-of-way (ROW) permit from Arizona Department of Transportation (ADOT) while access from Keeling Road requires a county ROW permit.

3. Adjacent Districts Remain Capable of Development: Complies

The requested downzone does not prevent surrounding properties from being developed in a manner consistent with their residential and rural zoning classifications. Properties to the north and south are zoned GB and have established nonresidential uses (heavy commercial, worship center) and residentially properties to the west have existing single family dwellings. Two adjacent parcels zoned RU-2 front on Mir Way (Executive Acres) share a common boundary with the subject property and one of these lots has an established residence. The other parcel is undeveloped but is of a size and configuration that any future residence will have adequate separation to minimize potentially incompatibilities.

4. Limiting Creation of Nonconforming Uses: Complies

Rezoning the property to GB does not create any nonconforming uses since the property is undeveloped.



RZ24-09 (R-36 to GB)

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N.T.S



5. Compatibility with Existing Development: Complies

Rezoning the property to GB is consistent with the “Developing” Comprehensive Plan land use designation and is compatible with the mixed use and predominately business uses along the east side of Highway 92 from Kachina Trail/Glenn Road south to Carr Canyon Road. Existing low density residential subdivisions along the west side of Highway 92 limit commercial zoning from Ramsey Canyon Road to Carr Canyon Road. The subject property is one of only two parcels along this stretch that fronts along Highway 92 but has retained its residential zoning classification (R-36), the other property being a public utility site.

The subject property abuts four residentially zoned parcels to the west/northwest, creating the potential for incompatible uses. Zoning regulations anticipate these scenarios and institute site developments standards to reduce these incompatibilities. Development standards such as setbacks, height, lot coverage, parking, and screening serve to reduce the effects of nonresidential uses on adjacent residential uses. Compliance with these standards will be evaluated during permitting.

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 four residentially zoned parcels abutting the subject property with three having existing single family residences.

Two of these residences are within 100’ of the common property line and would be most impacted by new nonresidential uses. There are an additional four single family residences within 400’ of the subject property. Required building setbacks, screening, and shielded lighting can significantly reduce potential incompatibilities. Landscaping along the west property line can further reduce impacts from lighting and noise potentially generated on the site.



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 falls within Sulphur Springs Valley Electric Cooperative (SSVEC) and Liberty Utilities (Bella Vista Water) service areas. Fry Fire District will serve the property and the nearest station is approximately 2 miles north.

8. Traffic Circulation: Complies

The property is located at the northwest corner of Highway 92 and Keeling Road. Access from Highway 92 will be determined by ADOT while access from Keeling Road, a hard-surfaced county-maintained road, will be reviewed by the county through the ROW permitting process. Turning movements to and from the site

will be determined by intersection proximity, and the use of Keeling Road by customers other than those living in the immediate area is unlikely (Keeling dead ends about 2/3 mile west of Highway 92).

9. Development Along Major Streets: Complies

Access to the property from Highway 92 (ADOT) and Keeling Road (county) will be determined through the permitting process. Required off-site traffic control improvements will also be identified at that time.

10. Infill Compatibility: Complies

This factor applies to rezoning requests to General Business (GB), Light Industry (LI), or Heavy Industry (HI) zoning districts in areas designated by the comprehensive plan as “Enterprise” or “Enterprise Redevelopment.” This factor encourages infill where commercial and industrial development has already occurred to discourage sprawl into areas with limited infrastructure or with an established residential development pattern to reduce incompatibility between nonresidential and residential development.

11. Unique Topographic Features: Complies

This factor applies to rezoning requests to business or industrial districts in areas characterized by unique topographical features such as unstable soils, steep slopes, washes, or floodplains. The subject property does not demonstrate these features, absent any designated floodplain with a gentle 16’ slope from southwest to northeast. A significant is located on the parcel to the north but will not impact the development of the subject parcel.

12. Water Conservation: Complies

County-wide water conservation requirements and applicable regulations and policies identified in the zoning regulations and comprehensive plan apply to future development of the site. Section 2.51.170 requires water saving strategies and the use of drought tolerant vegetation along with the preservation of established, native vegetation. Since the project is located within the Sierra Vista Sub-Watershed, the use of misters is prohibited, and new artificial water features are prohibited unless water harvesting is used and the features are functional to the development. The property’s location within Growth Area B requires site landscaping that includes a minimum of 5% of developed areas and 5’ landscape strips along adjacent roadways (Highway 92 and Keeling Road). All landscaping must use plants from the county’s approved list of drought-tolerant species.

13. Public Input: Complies

The applicant mailed letters to surrounding property owners on March 20, 2024. Staff mailed notices to nearby property owners within 500’, posted the property, and published legal notice on June 19, 2024.



14. Hazardous Materials: Not Applicable

Future property uses are undetermined though uses involving hazardous materials are not proposed for this site. Uses allowed by right within GB are allowed – more intense uses requiring Special Use Authorization require approval by the Planning and Zoning Commission.

15. Planning Policies: Complies

The property is designated “Developing” by the comprehensive plan and non-residential business and industry districts are consistent with this land use designation.

IV. SUMMARY AND CONCLUSION

The applicant requests rezoning 4.5 undeveloped acres from R-36 to GB for unspecified nonresidential land uses. Business uses are encouraged along major roadways and the request is compatible with the prevailing nonresidential development pattern along Highway 92. Site development standards within the zoning ordinance will serve to limit impacts on existing residential uses to the west and all applicable development standards will be evaluated through the permitting process.

Factors in Favor of Approval

1. Complies with 13 of 14 applicable factors used to evaluate rezoning requests.
2. Proposed zoning allows uses compatible with existing business-oriented development pattern along Highway 92.

Factors Against Approval

1. Land use/concept plan is not provided.
2. Opposition from nearby property owners.

V. RECOMMENDATIONS

Based on the factors in favor of approval, the Planning and Zoning Commission recommended approval of Docket RZ24-09 (8-0) at their July 10, 2024, meeting with the following condition:

- A 20’ landscape buffer is required along the west property line at the time of development.

Based on the factors in favor of approval, Staff also recommends conditional approval of Docket RZ24-09, rezoning tax parcel 105-40-004 from R-36 (Residential District, one dwelling per 36,000 square feet) to GB (General Business District).

Sample Motion

Madam Chair, I move to approve Docket RZ24-09, rezoning tax parcel 105-40-004 from R-36 (Residential District, one dwelling per 36,000 square feet) to GB (General Business District) with the following condition, the factors of approval constituting the findings of fact:

- A 20’ landscape buffer is required along the west property line at the time of development.