



Development Services

520-432-9300
developmentservices@cochise.az.gov
www.cochise.az.gov
1415 Melody Ln, Bdg F
Bisbee, Arizona 85603

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 RZ24-10 (Arizona Street/Swan Road)
DATE: July 23, 2024

Docket RZ24-10 (Arizona Street/Swan Road)

A request to rezone 1.7 undeveloped acres at the southeast corner of S. Arizona Street and W. Swan Road from RU-4 (Rural District, one dwelling per 4 acres) to HI (Heavy Industry District).

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Bima LLC – Marilyn Seibold
Location: 2000 Block of Arizona Street
APN: North 1.7 acres of 101-41-008A, formerly 101-41-001H
Parcel Size: 1.7 acres
Current Zoning: RU-4
Proposed Zoning: HI
Growth Area: C – Rural Community Areas
Plan Designation: Developing
Area Plan: None
Existing Use: Undeveloped
Proposed Use: Undetermined

Surrounding Zoning and Land Uses:

North	RU-4	Undeveloped
South	HI	Commercial, Single Family Residence
East	RU-4	Bisbee Municipal Airport
West	R-36	Undeveloped

II. PARCEL HISTORY

None.

III. NATURE OF REQUEST

The applicant requests rezoning from RU-4 to HI to combine existing parcels and allow additional non-residential structures and uses.

Mandatory Compliance

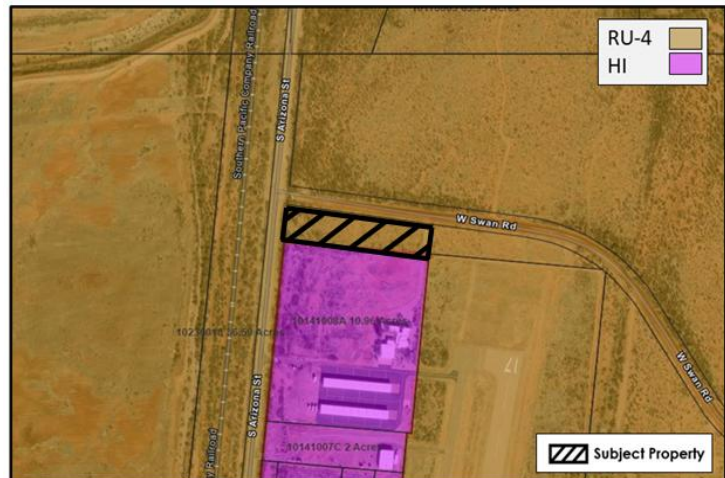
Section 2.63.080 of the zoning regulations requires zoning district boundaries be in accordance with comprehensive or area plan designations. In this case, the proposed rezone to GB is consistent with the “Developing” comprehensive plan designation.

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 speculative at this time. The applicant has suggested future storage type uses along Arizona Street. 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.



RZ24-10 (RU-4 to HI)

N.T.S

Arizona St/Swan Rd (portion of APN 101-41-008A)



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

The property totals about 1.7 acres and does not conform with the minimum 4 acre site area requirement of the current zoning classification. The applicant intends to rezone the property to HI and consolidate with the property to the south (APN 101-41-008) which is under common ownership. Combining the parcels would eliminate the 100' setback requirement applicable to parcel 008 for development of HI zoning districts when adjacent to residential or rural districts. Property access from Arizona Street and/or Swan Road will require a county right-of-way (ROW) permit with hard-surfaced aprons. Standards identified in Sections 2.39 and 2.51 will apply to future site development relative to setbacks, building height, separation, and parking,

3. Adjacent Districts Remain Capable of Development: Complies

The property is located at the corner of Arizona Street and Swan Road, sharing property lines with two adjacent parcels. The parcel to the south is owned by the applicant and zoned HI, being developed with a single family residence and hangars available for lease. The undeveloped parcel to the east is also zoned RU-4 and owned by Phelps Dodge Corporation. This parcel is also substandard, totaling less than 4 acres and is likely to remain undeveloped due to its location at the end of Bisbee Municipal Airport Runway 35. Any new uses will not render adjacent properties zoned HI or RU-4 unable to develop.

4. Limiting Creation of Nonconforming Uses: Complies

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

5. Compatibility with Existing Development: Complies

Rezoning the property to HI is consistent with the “Developing” Comprehensive Plan land use designation and compatible with the existing nonresidential development pattern along Arizona Street near Bisbee Municipal Airport. Residential development near the subject property is unlikely due to airport proximity and limited infrastructure. Compliance with applicable development standards will be evaluated during permitting.

6. Rezoning to More Intense Districts: Complies

The zoning regulations states properties with less intense zoning districts should be protected when abutting property with more intensive zoning districts. In this case, the dominant zoning pattern is RU-4 but there is little residential development. The property owner would be most impacted by a rezone to HI since there are no other residences in the area.



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 the Arizona Public Service (APS) service area. The property is more than ½ mile beyond San Jose and Naco fire district boundaries and will be serviced by the City of Bisbee with the nearest fire station about 4 miles north. The property will be serviced by well and septic if it is eventually developed, taking access from Swan Road an unpaved, county-maintained road.

8. Traffic Circulation: Complies

The property is located at the southeast corner of Arizona Street and Swan Road with an existing driveway along Swan Road about 550' east of Arizona Street. Expansion or improvement of existing access or additional access to the property will be determined by the county through the ROW permitting process. Direct access to Arizona Street is not proposed and is unlikely to be authorized given the parcel's proximity to the intersection.

9. Development Along Major Streets: Complies

The property is located along Arizona Street, a Rural Minor Collector, with secondary, existing access from Swan Road. Any additional access points will be determined through the county permitting process and any 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 "Developing." This factor encourages development that has occurred to discourage sprawl into areas with limited infrastructure or with an established residential development pattern to reduce incompatibility between nonresidential and residential development. The property's "Developing" land use designation is consistent with the proposed zoning district and is compatible with the dominant non-residential development pattern in the area.



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 flood hazard areas with a subtle 4' slope from southwest to northeast.

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. Development will be affected by the property's location within both the Sierra Vista Sub-Watershed (west half) and Douglas Active Management Area (east half). Growth Area C exempts the property from landscaping requirements.

13. Public Input: Complies

The applicant mailed letters to surrounding property owners on May 28, 2024, without receiving any opposition. Staff mailed notices to nearby property owners within 1000', 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 HI 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 1.7 undeveloped acres from RU-4 to HI for unspecified nonresidential land uses. The applicant has suggested future uses could be storage related and has combined the 1.7 acres with the parcel

to the south, which is under common ownership and totals just over 9 acres. Compliance with applicable site development standards will be evaluated through the permitting process though it is possible the 1.7 acres proposed for rezone may not ultimately be developed.

Factors in Favor of Approval

1. Complies with 13 of 14 applicable factors used to evaluate rezoning requests.
2. Continuation of existing HI zoning along Arizona Street next to Bisbee Municipal Airport.
3. No opposition from nearby property owners.

Factors Against Approval

None identified.

V. RECOMMENDATION

Based on the factors in favor of approval, the Planning and Zoning Commission recommended approval of Docket RZ24-10 (8-0) without conditions during their July 10, 2024, meeting.

Based on the factors in favor of approval, Staff also recommends approval of Docket RZ24-10 without conditions, rezoning the north 1.7 acres of tax parcel 101-41-008A, formerly tax parcel 101-41-001H, from RU-4 (Rural District, one dwelling per 4 acres) to HI (Heavy Industry District).

Sample Motion

Madam Chair, I move to approve Docket RZ24-10, rezoning the north 1.7 acres of tax parcel 101-41-008A, formerly tax parcel 101-41-001H, from RU-4 (Rural District, one dwelling per 4 acres) to HI (Heavy Industry District) without conditions, the factors of approval constituting the findings of fact.
