



## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Matthew Taylor, AICP, Planner II  
**FOR:** Christine McLachlan, AICP, Planning Division Manager  
**SUBJECT:** SU24-17 (San Juan Dog Rescue)  
**DATE:** September 11, 2024

### Docket SU24-17 (San Juan Avenue Dog Rescue)

A Special Use Authorization request for a private dog rescue/sanctuary. The shelter has operated since 2011 and a recent neighbor complaint and subsequent code compliance action led to the special use request.

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

Applicant: Annette Engols  
Location: 5520 S. San Juan Avenue  
APN: 107-67-052B  
Parcel Size: 1.1 acres  
Zoning: R-36 (Residential District, one dwelling per 36,000 square feet)  
Plan Designation: Neighborhood Conservation  
Growth Area: B – Community Growth Areas  
Existing Use: Single Family Residential  
Proposed Use: Single Family Residential, Dog Rescue

### Surrounding Zoning and Uses

North	R-36	Single family residential
South	R-36	Single family residential
East	R-36	Single family residential
West	R-36	Single family residential

### II. SITE HISTORY

- 1978 – manufactured home, septic system
- 1989 – manufactured home (new), storage shed
- June 2024 – code compliance case #24-002004 (animal rescue, over 30 dogs)

### III. SPECIAL USE AUTHORIZATION REQUEST

The applicant requests special use approval for an animal husbandry use of residential property for a dog rescue/sanctuary. Unwanted, elderly, or disabled dogs are kept in enclosed areas, typically with one to three dogs per area, and each dog has its own doghouse. The sanctuary is private and not open to the public. An estimated 35 dogs are currently receiving care on the property.

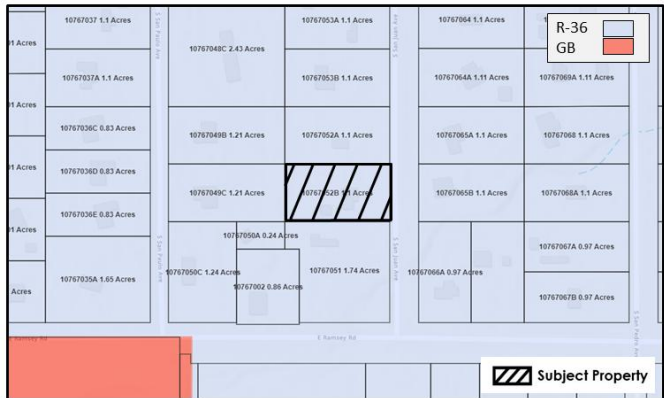
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**IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 2.48.160 of the Zoning Regulations identifies ten (10) factors to evaluate Special Use applications. These factors determine the suitability of a special use request, whether to recommend approval, and to determine if conditions and/or modifications are needed to mitigate potentially negative impacts on surrounding properties. With the information provided, seven (7) factors apply to this special use request with all applicable factors complying:

**1. Compliance with Duly Adopted Plans: Complies**

The subject property is designated “Neighborhood Conservation” by the Comprehensive Plan and falls within Growth Area B (Community Growth Areas). Existing R-36 zoning of the property is a permitted zoning district within the land use designation. Since the zoning district itself is not changing and the zoning allows animal husbandry uses with special use approval, this request complies with the County’s Comprehensive Plan.



SU24-17 (Dog Rescue/Sanctuary)  
5520 S. San Juan Ave (APN 107-67-052B)



**2. Compliance with the Zoning District Purpose: Complies**

The property’s R-36 zoning is a residential zoning district with sub-categories ranging in minimum site areas from 9000 SF to 36,000 SF. The district accommodates small to medium single-family residential development to achieve the following:

1. Provide an area for families living at a variety of low to medium densities.
2. Provide an area where single-household dwellings, rehabilitated mobile homes, and manufactured homes can co-exist.

The proposed special use does not comply with the purposes of the zoning district as currently identified in zoning regulations. However, R-36 allows numerous non-residential uses without special use approval, including mobile, manufactured, and recreation vehicle parks; utility installations, including substations, booster stations, water tanks, and communication towers; churches or places of religious worship; emergency vehicle stations; and community gardens. In addition to animal husbandry, uses allowed in R-36 with special use approval include communication towers, cemeteries, commercial plant nurseries, grocery stores, health clinics, mini-warehouses, and veterinary clinics.

The zoning regulations defines animal husbandry as “facilities, including kennels, related to the care, raising, boarding, and breeding of animals.” The applicant provides care to aging or disabled animals that would otherwise be euthanized in public shelters, providing this service privately since 2011. The rescue was formerly advertised via a Facebook page but this was discontinued in 2020, rendering the shelter strictly a private operation. The operator receives assistance from a friend, occasionally compensated financially, to ensure the dogs are rarely left alone without supervision.

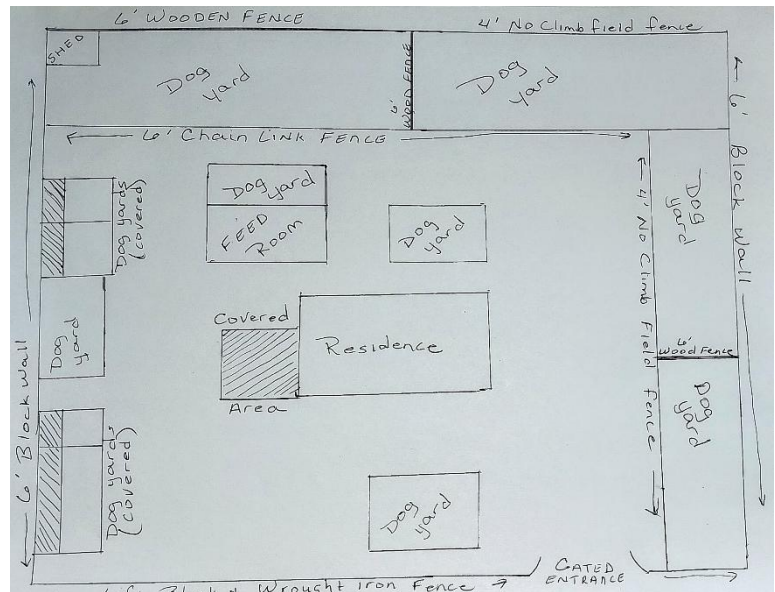
**3. Development Along Major Streets: Not Applicable**

The intent of this factor is to consider limiting the number of access points on major thoroughfares, arterials, or collectors by using frontage roads, shared access, and no access easements. Incorporating such measures promotes fewer road cuts to avoid potentially unsafe traffic conflicts, hazardous traffic congestion, and roadway obstruction caused by traffic. The rescue does not have customer traffic and the property takes direct access from San Juan Avenue, an unimproved local road, via an established driveway.

**4. Traffic Circulation: Complies**

This Special Use Authorization factor stipulates:

1. The request is consistent with the preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.
2. The request does not result in the use of any residential street for non-residential traffic.
3. Consideration of future circulation needs in the surrounding area has been considered through right-of-way dedication and off-site improvements if warranted.



The property has legal access via San Juan Avenue, an unimproved local road that connects with E. Ramsey Road, an Urban Major Collector. The property itself is located about 285' north of Ramsey Road. As the proposed special use does not involve customer visits to the site, the functional classification of San Juan Road does not change and off-site improvements typically considered with increased vehicle trips are not required. No customer traffic ensures non-residential vehicle trips do not encroach into the neighborhood.

**5. Adequate Services and Infrastructure: Complies**

Extensive services and infrastructure are not impacted by the proposed special use. The property is served by Hearthstone Water Company and Sulphur Springs Valley Electric Cooperative (SSVEC), falling within Fry Fire District's service area. Fry Fire Station #2 is located on Apache Avenue about 2 miles north of the subject property. Site improvements requiring an expansion of existing services will not be necessary if the special use is approved by the Commission.

**6. Significant Site Development Standards: Complies**

The property and surrounding properties are zoned R-36 and subject to development standards identified in Sections 2.18 of the zoning regulations. The proposed special use does not trigger any special requirements relative to site development and improvements to the site specifically supporting the use are not proposed.

**7. Public Input: Complies**

Section 2.48.160 of the Zoning Regulations states, "If public concerns have been raised, it is fair to ask if the applicant has made a reasonable effort to address these concerns through the Citizen Review Process." The applicant sent letters to surrounding property owners on July 13, 2024, receiving positive responses from neighbors.

**8. Hazardous Materials: Not Applicable**

Hazardous or dangerous materials are not proposed for this special use.

**9. Off-Site Impacts: Complies**

This factor is intended to ensure adequate measures have been taken to mitigate off-site impacts such as dust, smoke, noise, odors, outdoor lighting, and traffic. The dog rescue/sanctuary is operated privately within an established residential neighborhood. Walls, fences, shade structures, and doghouses are in place on the property and additional improvements to support the use are not planned. The absence of customer traffic to the site ensures dust is not a factor requiring mitigation and outdoor lighting is regulated by Section 2.45 of the zoning regulations, standards that applies to all privately owned properties within the County. Potential off-site impacts resulting from animal husbandry use typically involve odors and noise. Staff has included a condition relative to site maintenance and cleanliness and the applicant resides on the property regularly supervising the animals, reducing potential noise nuisances due to excessive barking.



**10. Water Conservation: Not Applicable**

County water conservation requirements apply to non-residential uses. However, the use of the property is primarily residential and will remain residential with no new structures proposed. The County does not limit the number of privately owned dogs, and it is difficult to identify water consumption for small animals. This property is located within Hearthstone Water Company's service area.

**V. PUBLIC COMMENT**

Staff posted the property on August 15, 2024, mailing notification letters to property owners within 500' and publishing legal notice on August 21, 2024.

**VI. WAIVERS**

The applicant has not requested waivers.

**VII. SUMMARY AND CONCLUSION**

The applicant requests special use authorization approval for a dog rescue/sanctuary. The shelter has operated since about 2011 and currently provides care for about 35 elderly dogs. In 2023, the County resulted in a code compliance action and requested the applicant to reduce customer traffic to the site, which is located within an established residential neighborhood. The applicant advertised the shelter on social media.



**Factors in Favor of Approval**

1. Complies with seven (7) of seven (7) applicable factors.
2. Private shelter reduces demand on public shelters.
3. Operated for several years without neighborhood complaints.
4. Support from nearby property owners.

**Factors Against Approval**

1. Opposition from nearby property owners.
2. Noise nuisance resulting in complaint and active code compliance action.

**VIII. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends approval of Docket SU24-17 to allow a dog rescue/sanctuary with the following conditions:

1. No more than 40 dogs shall be on the property at a time.
2. Property shall be kept in a sanitary condition. Refuse bins and feeding areas shall be maintained daily to limit odors and pests.
3. The dog rescue shall remain privately operated with no advertising or on-site customers.

*\*Standard conditions related to condition acceptance, permitting timeframes, and special use modifications apply and have not been modified by this request.*

**Sample Motion**

Madam Chair, I move to approve Docket SU24-17 with conditions recommended by staff, the factors in favor of approval constituting the findings of fact.