



## Development Services

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### MEMORANDUM

**TO:** Cochise County Board of Supervisors  
**FROM:** Matthew Taylor, AICP, Planner II  
**FOR:** Sharon Gilman, Interim County Administrator  
**THROUGH:** Christine McLachlan, AICP, Planning Division Manager  
**SUBJECT:** Dockets CPA25-01/RZ25-02 (I-10 Business Loop)  
**DATE:** March 25, 2025

### Dockets CPA25-01 / RZ25-02 (I-10 Business Loop)

Comprehensive Plan and zoning amendment requests to change land use and growth area designations of 33 acres from *Rural* to *Developing* and growth area category from *D – Rural Areas* to *C – Rural Community Areas*, and zoning district classification of approximately 101 acres from *RU-4 (Rural District, one dwelling per 4 acres)* to *GB (General Business District)*. The applicant filed a concurrent Special Use Authorization request for a Truck Stop.

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

Applicant: Sunaka LLC c/o Om Parkash  
Location: I-10 Business Loop Near Exit 362  
APN: 302-15-001D (83.4 acres), 001H (.6 acres), 011 (14.7 acres), and 013D (2.7 acres)  
Parcel Size: 101.4 acres  
Current Zoning: RU-4  
Proposed Zoning: GB  
Growth Area: C – Rural Community Areas / D – Rural Areas  
Plan Designation: Developing / Rural  
Area Plan: None  
Existing Use: Convenience Store, MH/RV Park, Dwelling  
Proposed Use: Convenience Store, RV Park, Dwelling, and Truck Stop (Fuel, Parking, and Repair)

### Surrounding Zoning and Land Uses:

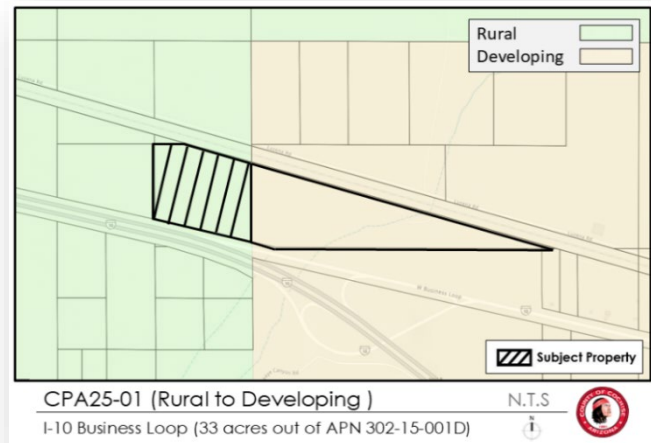
North	RU-4	Undeveloped, Agriculture
South	RU-4	Undeveloped, Agriculture
East	RU-4	Undeveloped
West	RU-4	Undeveloped

### II. PARCEL HISTORY

- Single family residence (1974); MH/RV park (1976); retail store (1977)
  - 1985 – special use for fuel sales (#SU-85-08)
  - 1996 – rezone to GB on 1.7 acres out of APN 302-15-013D (Z-96-21)
  - 2020 – replace fuel storage tanks (#CP20-00000495)
  - No active code compliance actions
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### **III. COMPLIANCE WITH LAND USE CRITERIA**

Cochise County Comprehensive Plan land use designations and growth area categories are designed to guide land development from a regional scale to individual parcels, promoting orderly development that preserves character, facilitates cohesive development, and encourages efficient uses of land. The Plan may be amended by major or minor amendment from time to time, and State law requires comprehensive plan updates at specific intervals, typically every 10 years. Plan updates ensure goals, objectives, and land use designations do not become obsolete due to rapid development, significant changes in use patterns, or anticipated development trends that have not occurred. The county Plan will be updated in 2025.



Plan amendments may be either major or minor. Major amendments involve a substantial alteration of the county's land use mixture or balance that increases potential densities or intensities of uses for areas of 2,000 acres or more. Minor amendments are requests that fall below the threshold of a major amendment. In this case, the applicant requests a minor Plan amendment for a portion of tax parcel 302-15-001D, changing land use and growth area designations of 33 acres out of an 83 acre parcel to facilitate a rezone of the entire parcel from RU-4 to GB.

Section 302.A.2 of the plan identifies six (6) criteria used to evaluate Plan amendments. This request complies with two criteria (2), does not comply with one (1), and three (3) criteria do not apply.

#### **1. Pattern of growth no longer reflects the type of growth expected in the current designation: Complies**

The portion of the parcel designated *Rural* and *Growth Area D* by the Comprehensive Plan totals about 33 acres and is undeveloped. This area is bound by Interstate 10 and Interstate 10 Business Loop to the south, Union Pacific Railroad (UPRR) right-of-way (ROW) to the north, and privately owned parcels to the west and north, one consisting of 25-acres with frontage entirely along Interstate 10.

Per the Comprehensive Plan, *Rural* plan designations are summarized as follows:

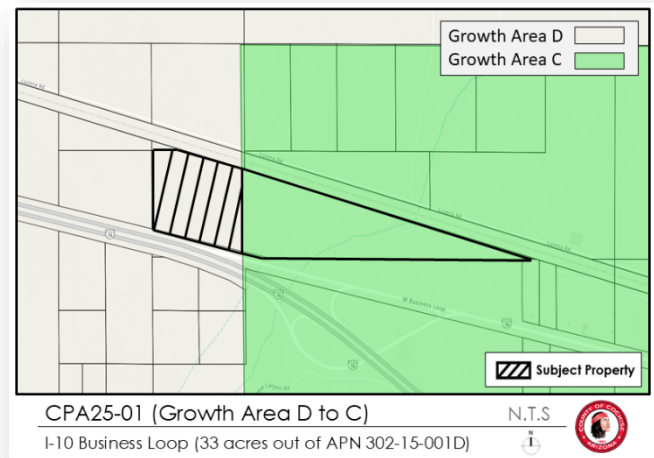
- *Rural: Sparsely populated areas; large expanses of private and public lands; agriculture and grazing*
- *Growth Area D (Rural Areas): Outlying rural areas with low growth rates; limited services and infrastructure with unimproved roads; low density residential uses on large lots; large tracts of public and private land.*

The tax parcel is effectively land-locked, abutting public and UPRR property with access from contiguous properties to the east also owned by the applicant. Though there are significant agricultural activities in the Bowie area, including in the vicinity of tax parcel 302-15-001D, the applicant does not intend to use any of the 83-acre property for agricultural purposes. Per the concept plan provided with the application, future uses are limited to truck parking on the easternmost 10-20 acres. Development of the western 33 acres is largely dependent on the applicant's ability to secure vehicular access and traverse or bypass approximately 25 acres in the center of the property located within *Flood Zone A*. The applicant's primary purpose for requesting the

Plan amendment is to rezone the entire 83 acre parcel to GB and avoid a condition where the property could be split-zoned rural and business. The property could be used for agriculture or business use, and the 33 acre portion subject to the requested Plan amendment is surrounded by lands without a clear development pattern.

**2. Substantial changes have occurred in the area:  
Not Applicable**

Substantial changes have not occurred on the subject property or adjacent properties. Most properties remain undeveloped and without an established use pattern. Extending Plan designations of the property's easternmost 50 acres to the rest of the property is an extension of these designations, allowing the property owner continuity of zoning district classification and development.



**3. Extension of urban standard facilities and services have changed the optimum type of appropriate development: Not Applicable**

Infrastructure, services, and development patterns have not significantly changed along the I-10 corridor west of Bowie. The parcel does not have water, sanitation, or electrical service; however, the parcel is located within Bowie Fire District's service area and power is available from Sulphur Springs Valley Electric Cooperative (SSVEC). The applicant's short-term plans for the property are currently limited to semi-truck parking on the easternmost 10-20 acres of the property. Future plans for the western 33 acres have not been identified in part due to challenges associated with location and access, topographical features, and anticipated cost of development.

**4. Substantial support from property owners: Does Not Comply**

The Comprehensive Plan requires notification to property owners within 1500' of a proposed Plan amendment. The applicant did not receive a response to his letter of January 30, 2025, where 22 unique owners of 36 properties were notified of the proposed amendment. Staff has not received opposition to the amendment or substantial support from property owners in or out of the 1500' notification area.

**5. "Developing" designations should be changed to another designation as a distinguishable pattern of development has occurred: Not Applicable**

This factor does not apply. The applicant is requesting a Plan amendment to change the existing land use designation of a portion of his property from *Rural* to *Developing*.

**6. New designation provides a harmonious transition between existing designations: Complies**

The applicant proposes a Plan amendment from *Rural* and *Growth Area D* to *Developing* and *Growth Area C* for 33 acres out of tax parcel 302-15-001D, matching the designations of the parcel's remaining 50 acres. The property abuts two undeveloped privately owned parcels to the west which will remain *Rural*. If approved, the new Plan designations will continue established Plan boundaries that extend east bound along I-10 for a distance of approximately five miles.

#### **IV. COMPLIANCE WITH REZONING CRITERIA**

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 land use and growth area designations identified in the Comprehensive Plan for most of the applicant's property. If the concurrent Comprehensive Plan amendment is approved, the rezone to GB will comply or partially comply with all applicable factors.



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

The applicant has provided a concept plan for a majority of the site showing proposed locations of new fuel pumps, truck parking, and repair facilities but excludes a significant portion of tax parcel 302-15-001D (60-70 acres). Staff will recommend a condition of approval for the concurrent Special Use Authorization application for a Truck Stop, requiring a modification that shows future development plans for the balance of that parcel.

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

If the 101 acre project area is successfully rezoned to GB, future development must comply with applicable standards identified in the zoning regulations, notably Section 2.33 (*General Business Zoning District*) and Section 2.51 (*Site Development Standards*). Applicable standards include allowed uses and bulk standards such as setbacks, height, distances between structures, and maximum lot coverages. While a successful rezone to GB will legitimize existing convenience store and mobile home/recreational vehicle park uses, these uses may remain deficient with current development standards. Except for a portion of tax parcel 302-15-011 of about 25 acres that is within a *Flood Zone A*, it is reasonable to assume most of the project area can comply with zoning regulation requirements based on available land area.

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

The project parcels are adjacent to four privately owned, undeveloped parcels zoned RU-4 to the east and west (the applicant's properties are generally adjacent to public lands or ROW to the north and south which create a significant buffer). More restrictive use and development standard provisions of the zoning regulations typically apply to more intense business or industry zoning districts and their allowed uses and not on neighboring parcels with less intense rural and residential zoning and uses.

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

Rezoning tax parcel 302-15-011 to GB will legitimize two existing nonconforming uses, the convenience store and mobile home/recreational vehicle park. New development on the site is subject to applicable use and development standards identified in the zoning regulations. The single family residence on the property (1974) would remain a conforming use.

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

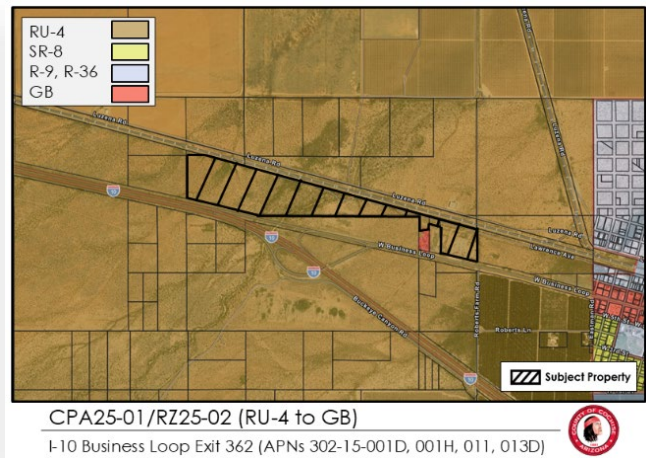
The applicant's parcels are about ½ mile west of Bowie's developed core, having the only established

business uses in the vicinity of Exit 362. Otherwise, the area is characterized by large tracts of undeveloped public and private property and nut-bearing orchards. The property's location between Interstate 10 and UPRR ROW creates separation to nearby rural-zoned properties, making these parcels a preferable location for non-residential uses with the potential to create significant off-site impacts.

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

Rezoning to more intense zoning districts are required to demonstrate that adjacent, less intense zoning districts and uses are protected. The zoning regulations require the following considerations:

- The proposed District is buffered by an intermediate District of sufficient size to provide a reasonable transition of intensity from the existing area (as a guide, a reasonable transition is considered to be a difference of intensity or density of two levels as defined in Paragraph 2).
  - *The parcels are adjacent to undeveloped, rural land. These rural zoned lands, mostly undeveloped or with established agricultural uses, provide a buffer between the proposed business zoning and less intense residential zoning districts ½ mile to the east (R-9, SR-8) with RU-4 serving as an adequate transitional zoning. The nearest residence is on tax parcel 302-15-011, belonging to the applicant, and the location of the parcels between public and railroad ROW create a buffer between the subject property and adjacent rural lands to the north and south.*
- The proposed District is a reasonable extension of a similar density District within the area.
  - *Bowie's commercial core ends at Eastman Lane, ½ mile east of the subject properties. However, business zoning is established with a 1.7 acre portion of tax parcel 302-15-013D zoned GB in 1996 by a previous property owner. The junction of I-10 and I-10 Business Loop east of Bowie at Exit 366 has an established travel-related use on property zoned GB in 1977. The applicant is requesting a business use near Exit 362, rezoning his property to GB and requesting a special use for a truck stop.*
- The proposed District provides a transition between an existing less intense District and a more intensive District or an arterial street; or, the proposed District is designed to provide adequate protection to the adjacent less intense development in the form of enhanced screening, landscaping, setbacks, large lot size, building orientation, or other design measures. (Note: When an HI District is proposed in a Comprehensive Plan Rural Area, this factor may be the only applicable factor because it is unlikely that a reasonable transition can be provided between the existing Rural Zoning District and the HI District.)
  - *The project parcels are not adjacent to other parcels developed with less intense uses. Similar to development east of Bowie, the applicant proposes business uses that are separated from*



*Bowie's established commercial core and residential development. Zoning district and growth area category standards will serve to mitigate potential impacts on neighboring properties but property lines are not shared with medium to high density residential developments where land use conflicts would be expected. Since the property has existing commercial uses and is bound by publicly held lands and public rights-of-way along most of its perimeter, there is no need for a transitional zoning district and buffering through extensive setbacks, screening, or landscaping would be more beneficial in an aesthetic sense than protecting adjacent vulnerable land uses.*

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

The zoning regulations includes this factor to measure the viability of a rezone to a more intensive zoning district and the uses that district would allow. Specifically, this factor considers impacts on roadways, infrastructure, and public facilities such as traffic volumes, roadway conditions, and required street, water, and sewer improvements. Given the property's location along both I-10 and the I-10 Business Loop, traffic and access-related issues will be addressed by ADOT and the applicant has begun those discussions with the State.

The site has water and sanitation systems supporting existing business uses. Sanitation systems will undergo county review to identify if existing systems can support new uses, currently proposed as a repair facility and tire shop. The only other structure proposed at this time are diesel fuel pumps with canopy. The properties are located within the Bowie Fire District service area with the nearest fire station located on Chinchilla Street, approximately one mile east. Power to the site is provided by Sulphur Springs Valley Electric Cooperative (SSVEC).

#### **8. Traffic Circulation: Not Applicable**

Tax parcels 302-15-001H, 011, and 013D access Interstate 10 Business Loop which is under Arizona Department of Transportation (ADOT) jurisdiction. The applicant has contacted ADOT's Southeastern District to discuss development plans, including new or relocated driveways and access alternatives for tax parcel 302-15-001D which is only accessible via an adjacent parcel also owned by the applicant. Permitting requirements and potential off-site improvements will be determined by ADOT.

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

The project site takes access from Interstate 10 Business Loop which is under ADOT jurisdiction. Permitting and potential off-site improvements will be determined by ADOT.

#### **10. Infill Compatibility: Complies**

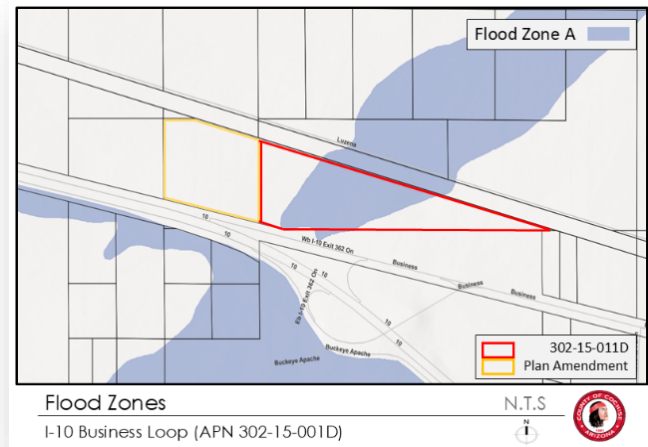
This factor applies to rezoning requests to General Business (GB), Light Industry (LI), or Heavy Industry (HI) zoning districts and encourages non-residential uses in area with established similar uses to reduce sprawl and potentially negative impacts on less intense, especially residential, land uses. The applicant proposes new uses to expand his existing business to accommodate freight and passenger vehicle traffic. The subject properties are not adjacent to established, less intense uses where land use conflicts are likely to occur.

#### **11. Unique Topographic Features: Complies**

Similar to infill compatibility above, this factor applies to rezoning requests to more intense business or industrial zoning districts and promotes protection of areas with unstable soils, steep slopes, washes, and floodplains. The majority of the applicant's property does not demonstrate these characteristics;

however, a significant portion of tax parcel 302-15-001D is characterized by a prominent topographical feature, a flood zone. This feature could constrain development of that parcel.

The applicant proposes semi-truck parking on the easternmost 10-20 acres, staying away from the flood zone, and standoff distances that will be identified during the drainage analysis phase of development. This feature may make the western portion of the property inaccessible if ADOT fails to authorize driveways west of the flood zone onto I-10 Business Loop.



## 12. Water Conservation: Complies

County-wide water conservation requirements identified in Section 2.51.170 of the zoning regulations apply to non-residential uses and properties, including this project, and will be identified at permitting.

## 13. Public Input: Complies

The applicant mailed notices to property owners within 1500' on January 30, 2025, receiving no public comment. Staff mailed notices to owners within 1500', published legal notice, and posted the properties February 14-19, 2025, receiving one written response in favor.

## 14. Hazardous Materials: Not Applicable

The use of hazardous materials is not proposed for the property. Truck stops, including fuel centers and repair shops, are subject to State and federal permitting and licensing requirements.

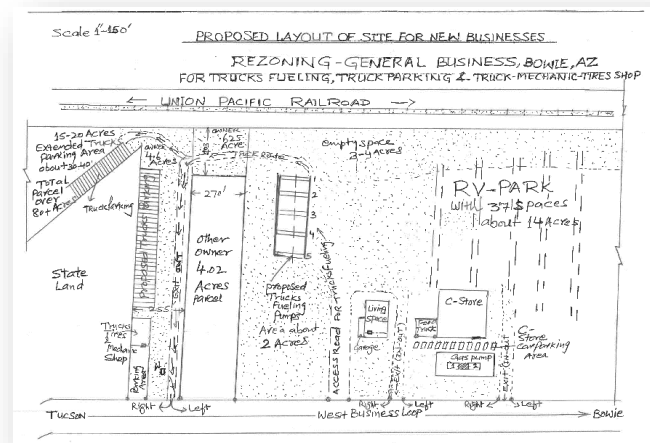
## 15. Planning Policies: Partially Complies

All tax parcels comprising the 101 acre project site are designated *Developing* and *Growth Area C* with the exception of the west 33 acres of parcel 302-15-001D (*Rural, Growth Area D*). General Business zoning is consistent with the *Developing* land use designations, necessitating a Plan amendment for a portion of parcel 001D. The Comprehensive Plan applies the *Developing* designation to areas presumed in transition with scattered residential, business, industrial, or agricultural uses intended and capable of accommodating future growth. Interstate 10 remains the dominant transportation corridor in Cochise County and business uses having the potential to provide services to county residents and interstate travelers that generate revenues are encouraged provided off-site impacts on existing, less intense residential and agricultural uses are limited or can be mitigated.

## V. SUMMARY AND CONCLUSION

The applicant proposes developing a truck stop on approximately 101 acres near I-10 Exit 362 west of Bowie. The property is bound by I-10 and I-10 Business Loop to the south and Union Pacific Railroad right-of-way to the north. The nearest residence to the truck stop location belongs to the applicant. The next closest residence is located approximately ½ mile to the southeast. A portion of the site was developed for business uses in the 1970's and includes a convenience store with fuel sales and mobile home/recreational vehicle park.

Tax parcel 302-15-001D totals about 83 acres with 50 acres already designated for business use by the Comprehensive Plan. The applicant requests a Plan amendment to change Plan designations from *Rural* to *Developing* to rezone the entirety of the parcel. The parcel would otherwise be split zoned RU-4 and GB if the rezoning were approved. Given the property's location and the prevalence of large swaths of undeveloped and agricultural lands, off-site impacts are likely minimal. The project area is located about ½ west of Bowie's business corridor, and the applicant filed a concurrent Special Use Authorization request for a Truck Stop.



#### Plan Amendment – Factors in Favor

- Most of tax parcel 302-15-001D is already designated *Developing* and *Growth Area C* by the Comprehensive Plan
- Complies with two (2) applicable criteria used to analyze applicant-initiated comprehensive plan amendments:
  - Pattern of growth no longer reflects the type of growth expected in the current designation.
  - New designation is harmonious with existing designations.
- Three factors do not apply.
- No opposition from nearby property owners.

#### Plan Amendment – Factors Not in Favor

- Does not comply with one (1) applicable criteria used to analyze comprehensive plan amendments:
  - The request does not have substantial support from nearby property owners.

#### Rezoning – Factors in Favor

- Complies or partially complies with all applicable factors.
- Intense business uses are appropriate along major roadways.
- Limited off-site impacts due to little or no residential development.
- Legitimizes existing nonconforming uses.
- No opposition from nearby property owners.

#### Rezoning – Factors Not in Favor

- Concept plan does not include all of tax parcel 302-15-001D.

**VI. RECOMMENDATIONS**

Based on the factors in favor of approval, the Planning and Zoning Commission recommended approval of Dockets CPA25-01 and RZ25-02 without conditions (9-0) during its meeting on March 12, 2025.

*\*The Planning and Zoning Commission conditionally approved a concurrent Special Use Authorization request for a truck stop (9-0) during the meeting.*

Based on the factors in favor of approval, Staff also recommends approval Dockets CPA25-01 and RZ25-02 without conditions, amending Comprehensive Plan land use and growth area designations of 33 acres out of tax parcel 302-15-001D from *Rural* to *Developing* and from *D – Rural Areas* to *C – Rural Community Areas*, and rezoning tax parcel 302-15-001D, tax parcel 302-15-011, .6 acres out of tax parcel 302-15-001H, and 2.7 acres out of tax parcel 302-15-013D from *RU-4* to *GB*, the factors in favor constituting the findings of fact.

**SAMPLE MOTIONS*****Comprehensive Plan Amendment***

I move to approve Docket CPA25-01, amending Comprehensive Plan designations of 33 acres out of tax parcel 302-15-001D from *Rural* to *Developing* and from *Growth Area D – Rural Areas* to *Growth Area C – Rural Community Areas*, the factors in favor of approval constituting findings of fact.

***Rezoning***

I move to approve Docket RZ25-02 without conditions, rezoning tax parcels 302-15-001D and 302-15-011, .6 acres out of tax parcel 302-15-001H, and 2.7 acres out of tax parcel 302-15-013D from *RU-4* to *GB*, the factors in favor of approval constituting findings of fact.

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