



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: SU24-19 (Cherokee Trail Guest Lodging)
DATE: January 8, 2025

Docket SU24-19 (Cherokee Trail Guest Lodging)

A Special Use Authorization request for two guest lodging units available to family members and the public. The property has an existing 2,280 square foot single family residence and approval for a 336 square foot accessory dwelling unit.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Michael Clement
Location: 163 N. Cherokee Trail
APN: 124-06-004B
Parcel Size: 4 acres
Zoning: RU-4 (Rural District, one dwelling per 4 acres)
Plan Designation: Rural
Growth Area: D – Rural Areas
Existing Use: Residential with Approved Accessory Living Quarters
Proposed Use: Residential with two guest lodging units

Surrounding Zoning and Uses

North	RU-4	Single Family Residential
South	RU-4	Single Family Residential
East	RU-4	Single Family Residential
West	R-36, MH-72	Single Family Residential

II. SITE HISTORY

- 2017-2018: Opt-out permit for single family residence and storage building, septic permit, floodplain use permit, temporary use permit
- 2024: Building and septic permits (#BP24-000936, #SEP24-000228), Accessory Living Quarters application (#ALQ24-11)
- No active code compliance actions

III. SPECIAL USE AUTHORIZATION REQUEST

The applicant requests special use approval for two guest lodging units utilizing existing structures (shed, garage) for use by family members and paying guests.

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, eight (8) factors apply to this special use request with all applicable factors complying:

1. Compliance with Duly Adopted Plans: Complies

The subject property is designated Rural by the Comprehensive Plan. The applicant is not requesting a rezone or Comprehensive Plan amendment, preserving existing land use designations and zoning category. Adjacent properties are characterized by low density residential development on parcels of 4 acres to the north, east, and west, with higher residential densities to the west.

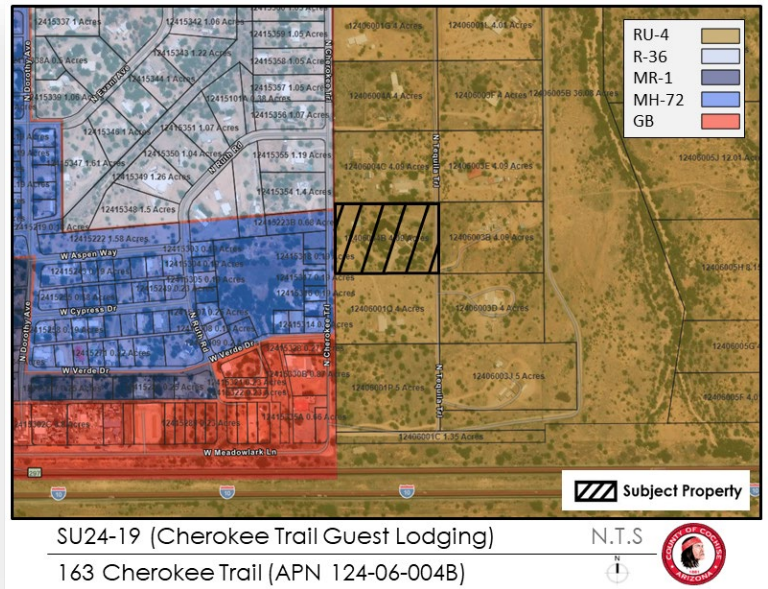
2. Compliance with the Zoning District Purpose: Complies

Rural districts allow non-residential activities that provide services provided they serve local needs, provide recreation support services, or are compatible with rural living. These zoning districts, which range in site area from 2 acres to 36 acres, allow residential and non-residential uses compatible with an area’s rural character. Guest lodging is authorized in rural district with special use authorization approval by the Planning and Zoning Commission.

The subject property is currently used for residential use with a principal dwelling and approved accessory living quarter. If the special use is approved, two guest lodging units will be established using existing detached accessory structures. This property is located near Interstate 10 and J Six Ranch Road and is adjacent to Mescal Lakes Unit #1, which has lots averaging one acre, and nearby Unit #3, which has lots less than ½ acre. The zoning regulations defer to the Comprehensive Plan’s description of rural land use to describe the character of this land use designation (low rates of growth, large lot development, agricultural production, large tracts of public/private lands). While the Plan designates the area east of Cherokee Trail as rural, its proximity to platted subdivisions with smaller lots sizes suggests increased residential density is appropriate.

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 property has primary access from Cherokee Trail, a Rural Local road maintained by the county. Secondary access is from Tequila Trail, an unimproved local road not maintained by the county. The applicant proposes a new driveway along Tequila Trail which will not require a right-of-way (ROW) permit. Additional traffic generated by guests is unlikely to result in unusual congestion or circulation conflicts.

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.

If approved, two guest units will not cause traffic increases warranting reclassification of Cherokee Trail (rural local road) or other likely access roads such as Meadowlark Lane or Rice Road, which are both collector roads also maintained by the county. The applicant should encourage visitors to use Meadowlark to Tequila Trail, as this is the most direct route from Mescal Road and having the least potential to negatively impact nearby residents. A special use modification reviewed by staff and/or the Commission will be required to add more guest units.

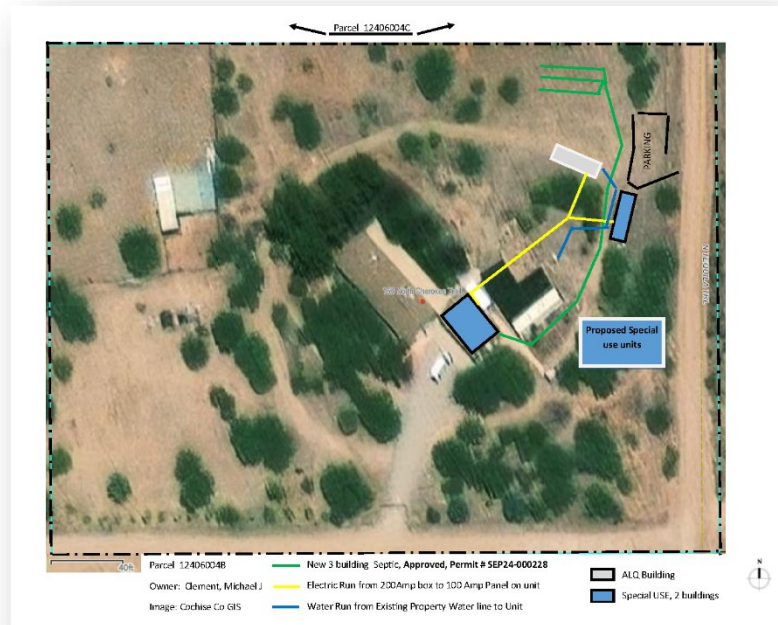
5. Adequate Services and Infrastructure: Complies

The property is served by Mescal Lakes Water System (Hearthstone Water) and Sulphur Springs Valley Electric Cooperative (SSVEC) service areas while the site is served by private septic systems. Fire protection is provided by Mescal-J6 Fire District. An expansion of existing services or infrastructure is not necessary if the special use is approved by the Commission.

6. Significant Site Development Standards: Complies

Applicable development standards identified in Section 2.15 (*RU Districts*) apply to this property, including building setbacks, structure height, and site coverage as well as floodplain and stormwater mitigation standards.

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 property owners within 500' on September 25, 2024, receiving and responding to one neighbor response expressing concerns about potentially unruly guests.

8. Hazardous Materials: Not Applicable

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

9. Off-Site Impacts: Complies with Conditions

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. See also

Section 6 (Significant Site Development Standards):

- **Parking:** Two parking spaces are required for each guest unit. The property is located in Growth Area D which does not require internal driveway improvements.
- **Noise:** Outdoor activities generating significant noise are not proposed by the applicant. However, Staff recommends quiet hours (10pm to 6am) to preserve rural character and to limit possible noise impacts on nearby residents.
- **Lighting and Signs:** Outdoor lighting is regulated by Section 2.45 of the zoning regulations which governs overall brightness and requires shielded fixtures. These standards apply to both residential and non-residential properties. The applicant is not proposing signs (signs are subject to Section 2.54 of the zoning regulations, maximum area 32 square feet, maximum height 6 feet).
- **Landscaping:** Landscaping is not required for properties located in Growth Area D. The property is 4 acres with some mature vegetation which can reduce the visual impact of additional dwellings.
- **Odors:** Odors are unlikely since the applicant is not providing outdoor recreational or common areas for guests.
- **Traffic:** The applicant proposes direct access from Tequila Trail, an unimproved local road. Two guest units are unlikely to create traffic issues, but staff recommends the applicant encourage guests to utilize Meadowlark Lane to access Tequila Trail, bypassing the Mescal Lakes neighborhood to the west.

10. Water Conservation: Complies

County water conservation requirements apply to non-residential uses and properties, potentially including this project. Section 2.51.170 of the zoning regulations requires water saving strategies and applicable water conservation regulations and policies identified in the zoning regulations and comprehensive plan will be identified at permitting.



V. PUBLIC COMMENT

Staff published legal notice, mailed notification letters to property owners within 500', and posted the property December 6-18, 2024.

VI. WAIVERS

None.

VII. SUMMARY AND CONCLUSION

The applicant requests special use authorization approval for two guest lodging units on a 4-acre parcel in addition to an existing single family dwelling and approved accessory living quarter. The site has adequate services to support the residential units, including water and vehicular access. Potential impacts on adjacent properties are similar to those of any residential property, and the applicant is not proposing any outdoor common areas or amenities. Staff recommends conditions to limit potential impacts relative to noise and traffic.

**Factors in Favor of Approval**

1. Complies with eight (8) of eight (8) applicable factors.
2. No opposition from nearby property owners.

Factors Against Approval

3. Proposed density increase to one dwelling per acre in Comprehensive Plan designated rural area.

VIII. RECOMMENDATION

Based on the factors in favor of approval, staff recommends approval of Docket SU24-20 to allow two guest lodging units subject to the following conditions*:

1. Quiet hours shall be observed by paying guests from 10pm to 6am.
2. Street and head-in parking along Tequila Trail are prohibited.

**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 SU24-19 to allow two guest lodging units with conditions recommended by staff, the factors in favor of approval constituting the findings of fact.