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Arizona

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Matthew Taylor, AICP, Planning Manager
FOR: Christine McLachlan, AICP, Director
SUBJECT: Docket CPA26-01 / RZ26-03 (Charleston Road)
DATE: November 18, 2026

Dockets CPA26-01 / RZ26-03 (Charleston Road)

Comprehensive Plan and zoning amendment requests to change land use designation from *Rural* to *Enterprise*; growth area from *Category D* to *Category A*; and zoning district from RU-2 (Rural District, one dwelling per 2 acres) to LI (Light Industry District).

I. Description of Subject Parcel and Surrounding Uses

Applicant: Pew & Lake LLC
Location: Charleston Road/Dake Road (Sierra Vista)
APN: 107-01-001C (portion)
Parcel Size: 109 acres
Current Zoning: RU-2
Proposed Zoning: LI
Growth Area: D
Plan Designation: Rural
Existing Use: Undeveloped
Proposed Use: Mixed Industrial

Surrounding Zoning and Land Uses:

North	RU-2	Undeveloped
South	R-36	Single Family Residential, Undeveloped
East	R-36	Undeveloped
West	Sierra Vista, County	Undeveloped

II. Parcel History

- 2021: Rezoning from R-36 to RU-2 (RZ21-01) with concurrent Special Use Authorization request (SU20-17) to allow a Solar Energy Power Plant (Bella Vista Solar).

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. Cochise County most recently amended the Comprehensive Plan in March of 2026. Individual Plan amendments are those that appear periodically as a response to changes in growth patterns, development needs, or public policy and generally amendments are intended to:

1. *Protect the existing character of an area.*
2. *Ensure that amendments are justified by specific evidence showing that the current land use category no longer reflects the actual or projected growth patterns.*

The presumption is that existing land use and growth area categories should be retained unless evidence demonstrative the above considerations is provided whether the proposed Plan amendment is major or minor. Consistent with state law (ARS §11-805), major amendments involve a substantial alteration of Cochise County's land use mixture or balance that increases potential densities or intensities of uses for an area of 2,000 acres or more. Minor amendments are requests that fall below the threshold of a major amendment. In this case, the applicant is requesting a minor Plan amendment, changing land use and growth area designations of 109 acres east of Sierra Vista to facilitate a rezone from RU-2 to LI.

Chapter 9 of the current Plan identifies six (6) factors requiring evaluation:

1. Infrastructure and Services (Availability of roads, water, sewer, utilities to serve the proposed development): Consistent.

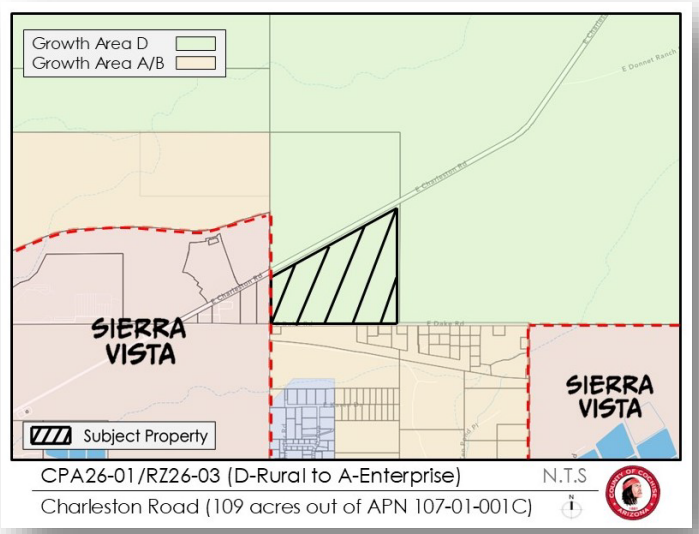
The property is adjacent to developed and undeveloped properties to the south and east with residential zoning (R-36). Properties to the south along Dake Road range from one acre to more than ten acres, and several in the vicinity of the subject property have existing single family residences. Adjacent undeveloped properties to the west are within the City of Sierra Vista and zoned General Commercial. Charleston Road is an improved Rural Major Collector that sees significant traffic between Sierra Vista and Tombstone. The property is located within Fry Fire and Bella Vista Water districts and the Sulphur Springs Valley Electric Cooperative (SSVEC) service area. The property's remaining 123 acres north of Charleston Road will retain its rural zoning.

2. Land Use Patterns (Existing zoning, land use, and density compared to the surrounding area): Partially Consistent.

There is no existing land use pattern near the subject property along Charleston Road. The closest use is Cochise Memory Gardens cemetery to the west (split zoned residential and commercial) while large, undeveloped acreage to the east is held by the County. The nearest established land use is to the south of the property along Dake Road being single family residential development on lots averaging between one and two acres. Non-residential development along Charleston Road would be appropriate given the roadway's functional classification and condition, available right-of-way, and generally level topography of the property. Non-residential development along Dake Road would be incompatible with the existing residential uses though the presence of variable topography and terrain at the approximate southeast corner of the property could be a limiting factor for development and offer natural buffers and stand-off distances.

3. Compatibility with Surrounding Areas (How well the proposed land use fits with nearby uses, including buffers and transitions): Partially Consistent.

This factor anticipates Plan amendments that propose more intense developments such as non-residential business or industrial uses or high density residential uses that could conflict with existing development patterns. The applicant proposes upzoning the property from rural to industrial through future non-residential land uses are not identified. While there is no discernable development pattern along Charleston Road within one mile of the property there is a small residential development to the south along Dake Road. The nearest intermediate zoning district is immediately to the west (commercial zoning on lands associated with the Cochise Memory Gardens cemetery).



4. Development Plans (Completeness and adequacy of submitted plans, including master or detailed development plans): Not Consistent.

A specific land use has not been identified for this property. The applicant provided a graphic demonstrating possible future land divisions and lot layouts but not a concept plan that identifies future improvements.

5. Tribal Coordination (Coordination with potentially affiliated Tribes regarding cultural or natural resource concerns): Not applicable.

This factor does not apply as there are no federally recognized tribal lands located in Cochise County.

6. Community Input (Input from property owners, neighbors, and local organizations, including written comments and endorsements): Partially Consistent.

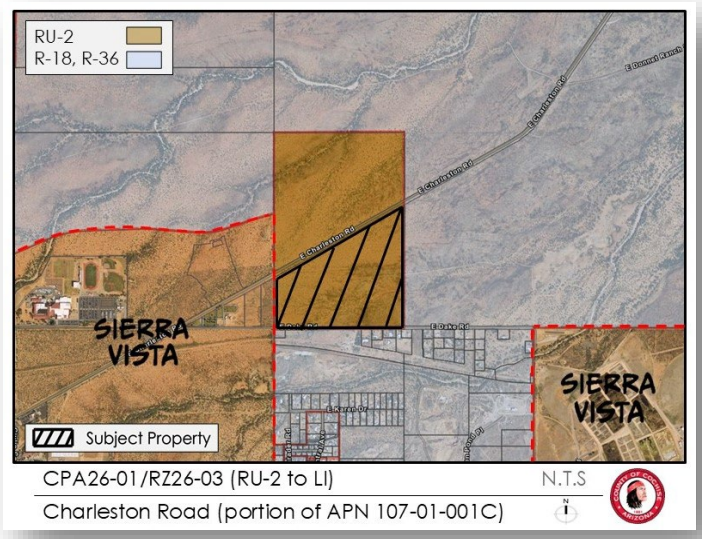
The applicant proposes a more intense land use designation of the property, and the Comprehensive Plan requires a 1500' notification area to change land use and growth area category from D – Rural to A – Enterprise. The applicant mailed letters as required by the Zoning Regulations in May 2026 for an expected Planning and Zoning Commission public hearing on July 8, 2026. Staff began receiving responses from concerned neighbors which increased following the County's notification June 16-17, 2026. More than 20 responses in opposition were received through the end of June, and the applicant subsequently requested the applications be delayed to allow time for a neighborhood meeting. Following the July 22, 2026, neighborhood meeting the applicant requested a public hearing date not be set. Staff received confirmation from the applicant in October to move the applications forward to the Commission on November 18, 2026, and completed the public notification process for the November meeting between 13 and 22 October. At the time of this report, opposition to the rezone continues to outpace support with staff receiving six written responses with one in support and five in opposition though Staff received a letter of support from the City of Sierra Vista's Industrial Development Authority earlier in June.

Plan Amendment – Factors in Favor

- Consistent or partially consistent with four factors.
- Proposed non-residential development along an arterial roadway.
- Support from a nearby property owner.

Plan Amendment – Factors Not in Favor

- Not consistent with one factor.
- Proposed industrial use near established residential uses.
- Opposition from nearby property owners.



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 LI is consistent with the *Enterprise* land use designation requested with the concurrent Comprehensive Plan application and complies or partially complies with 14 of 15 factors.

1. **Adequate Land Use/Concept Plan: Does Not Comply**

   The rezoning application does not include a land use/concept plan depicting proposed improvements.

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

   The property totals about 232 acres and is split by the Charleston Road alignment with the south 109 acres subject to rezoning. If successfully rezoned to LI, future land uses will be subject to site development standards found in Sections 2.36 and 2.51 of the Zoning Regulations, including minimum building setbacks, maximum building height, distances between structures, lot coverage, and landscaping.

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

   The requested rezone does not prevent surrounding properties from being developed in accordance with their existing zoning classifications. Development constraints resulting from disparate zoning districts or land uses are commonly generated by properties with residential zoning when next to non-residential zoning districts as non-residential development is then subject to more stringent development standards. For example, if the subject property is rezoned LI, the presence of adjacent R-36 zoning triggers a minimum building setback of 80’ from perimeter property lines. Otherwise, if adjacent properties were zoned commercial or industrial, only a 5’ minimum setback is required (in addition to 20’ along roadway frontages).

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

   Rezoning the property to LI will not result in the creation of nonconforming uses since the property is undeveloped.

5. Compatibility with Existing Development: Partially Complies

There is no discernable land use pattern within one mile of the property. Cochise Memory Gardens cemetery and Buena High School are located along Charleston Road to the west but the urban environment does not begin until the intersection of Charleston Road and Giulio Cesare Avenue (Cochise College Sierra Vista Campus, single family residential. Lands to the east are generally undeveloped with and without agricultural uses (grazing). Residential development to the south consists of about 25-30 parcels averaging one to two acres with most having occupied single family residences. Given the number of residences near the subject property, there is the potential for off-site impacts generated by non-residential uses on less intense residential uses nearby.



6. Rezoning to More Intense Districts: **Partially Complies**

Rezones 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 parcel is next to undeveloped lands to the east zoned residential but with a Rural land use classification and undeveloped lands to the west under City of Sierra Vista jurisdiction that are zoned commercial. Undeveloped lands to the south are zoned residential and have sporadic residential development. These properties are designated Developing by the Comprehensive Plan and, though unlikely to transition into non-residential land uses, business and industrial zoning districts are consistent with the Developing land use designation. The only logical between the proposed industrial zoning of the subject property and potential future land uses is with the existing zoning districts and land uses to the west in Sierra Vista.*
- The proposed District is a reasonable extension of a similar density District within the area.
    - *The property is generally bound by undeveloped parcels with a combination of residential, rural, and commercial zoning. There are no adjacent commercial or industrial uses though it should be expected that properties along Charleston Road will support non-residential and high-density residential development in the future, especially when infrastructure such as water and sewer become available.*
- 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.)

- *Light Industrial zoning would not serve as a transitionary zoning district for this property. Site development standards are extensive for non-residential uses when located next to residential zoning and land uses. The development pattern along Charleston Road east of Sierra Vista could support either residential or non-residential development though the Comprehensive Plan currently would encourage agricultural uses and residential development on parcels of two acres or more. As this property abuts the City of Sierra Vista, supporting infrastructure could eventually become available that would serve more intense land uses. in this area.*

7. Adequate Services and Infrastructure: Complies

The property lies within Fry Fire District, Bella Vista Water Company and SSVEC service areas. Additionally, the property has direct access to Charleston Road, a major collector that is hard surfaced and in County maintenance. The applicant proposed individual wells and septic systems to serve future development.

8. Traffic Circulation: Partially Complies

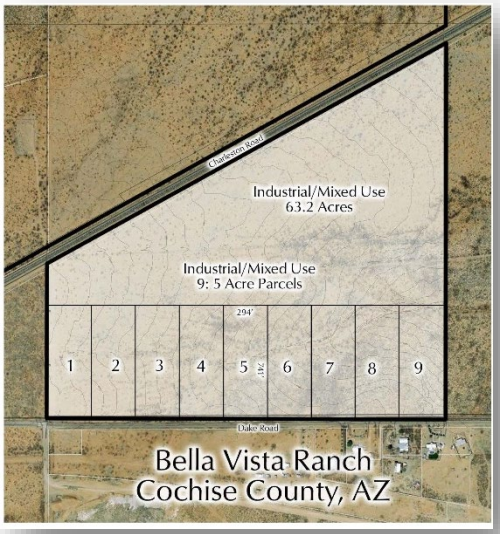
The property will take primary access Charleston Road, a major collector, with possible secondary access from Dake Road, a minor access local road. While access to Dake Road, a local road, would typically be discouraged, secondary access may be required pursuant to engineering standards should access to Charleston Road be temporary restricted. All future access improvements require a ROW permit through the County and must be designed in accordance with Cochise County engineering, roadway, drainage, and access management standards.

9. Development Along Major Streets: Complies

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 applicant has not identified future property access locations; however, access will require a County ROW permit and compliance with engineering, roadway, drainage, and access management standards.

10. Infill Compatibility: **Partially 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. Site development standards of the LI district contained in the in the Zoning Regulations, including setbacks, screening, and landscaping will apply to future development and these standards are more restrictive when adjacent to parcels zoned rural or residential. Since there are no specific land uses known for the property, it's difficult to assess the degree of off-site impacts on nearby residential uses.



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. There are numerous topographical features such as small natural washes and swales on the property which could pose development constraints (there are no designated floodplains on the site). Future development will comply with county zoning, building, engineering, and floodplain regulations.

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 future development of the subject property. Water conservation measures include the use of drought-tolerant plants, low-flow fixtures, water recycling systems, and restricting the use of water misters and decorative artificial water features such as ponds, lakes, and fountains. The property is also located in the Sierra Vista Sub-Watershed, and the watershed conservation plan also emphasizes of drought-tolerant landscaping, low-flow water fixtures, water harvesting and re-use, accelerated stormwater run-off, and promoting recharge through detention basins, protecting open space, and minimizing soil disturbance. The applicant specifically references drought-tolerant landscaping and Low Impact Development (LID) development practices to decrease impermeable surfaces in the application submittal.

13. Public Input: Does Not Comply

The applicant mailed notices to property owners within 1500' on May 26, 2026, as required for the concurrent Plan amendment. Staff received significant opposition to the proposed Comprehensive Plan amendment and rezone from Rural to Light Industry zoning. Per Section 2.63 of the Zoning Regulations, the Public Input factor seeks to address the following:

> *If there is major public opposition to a proposed Rezoning, this may indicate that the technical evaluation regarding the compatibility of the proposed District does not concur with the view of local residents, and a recommendation of denial may be appropriate. 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 held a public meeting on July 22, 2026, which was well attended by property owners in the vicinity. While opposition to the proposed rezone was significant in its own right, a lack of information regarding potential future land uses and specific site development proposals created an additional concerns about potential incompatibilities associated with future land uses.

14. Hazardous Materials: Complies

As future land uses are not identified, the use of hazardous materials is unknown. Future development and uses will comply with local zoning regulations, adopted building codes, and applicable State and federal standards.

15. Planning Policies: Partially Complies

The property is designated *Rural* by the Comprehensive Plan and industrial zoning districts are not consistent with this land use designation, requiring a plan amendment. The applicant has filed a concurrent Plan amendment application to change both land use and growth area designations of the

property to facilitate a change in zoning to an industrial zoning district. Economic development and an increase in revenue generating non-residential land uses, both on a local and regional scale, are encouraged by the Comprehensive Plan; however, the Plan recognizes the potential for incompatibilities with less intense residential uses and that commercial and industrial uses must be appropriately planned and sited to minimize land use conflicts.

V. Summary and Conclusion

The subject property is located along Charleston Road, an arterial roadway, and non-residential land uses are encouraged along highways, arterials, and at the intersections of major roadways. Additionally, the property's west property line abut City of Sierra Vista jurisdiction, and these adjacent undeveloped properties have existing commercial zoning. The presence of several small residentially zoned parcels to the south with existing single family dwellings creates a condition of incompatibility. Non-residential development generally and industrial-oriented development specifically allows land uses that can generate significant off-site impacts on less intense land uses. Light Industry zoning allows a host of sales and service uses normally associated with General Business zoning, but also allows more intense land uses associated with manufacturing, wholesaling, warehousing, distribution, and storage, suggesting large buildings, day time/night time business activity potential, and substantial off-site impacts generated by noise and lighting.

Rezoning – Factors in Favor

- Complies with most applicable factors.
- Property is located along an arterial road.
- Adjacent parcels to the west are zoned commercial.
- Support from nearby a property owner.

Rezoning – Factors Not in Favor

- Established residential land uses nearby.
- Adjacent to residentially zoned properties with existing single family dwellings.
- Opposition from nearby property owners.

VI. Recommendation

Based on the factors in favor, Staff recommends forwarding Dockets CPA26-01 and RZ26-03 to the Board of Supervisors with a recommendation of approval with the following special conditions:

1. Special Use Authorization SU20-17 is revoked.
2. A 75' no disturb vegetative buffer is required along the south and east property lines.
3. Primary access shall be from Charleston Road. Secondary access from Dake Road is limited to one driveway near the west property line.
4. If the property is divided into multiple parcels, recorded cross-access agreements shall be established as necessary to provide access to the parcels while maintaining the limitation on Dake Road access.