



**Cochise County**  
**Community Development**  
**Highway and Floodplain Division**

*Public Programs...Personal Service*  
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MEMORANDUM

TO: Cochise County Planning and Zoning Commission  
FROM: Peter Gardner, Planner I  
FOR: Beverly J. Wilson, Planning Director  
SUBJECT: Docket Z-15-01 (George)  
DATE: February 26, 2015 for the March 11, 2015 Meeting

APPLICATION FOR A REZONING

The Applicant has requested a rezoning from R-36 (Residential, one dwelling per 36,000-square feet) to GB (General Business). The subject parcel is approximately 0.65-acres in size. The rezoning is to facilitate the construction of a Retail Establishment. The subject parcel, 104-06-002K is located on E. Cactus Lane off of Highway 92 in Hereford, AZ. The Applicant is the George Family Irrevocable Trust.

I. PLANNING AND ZONING COMMISSION

On Wednesday, March 11, 2015, the Planning and Zoning Commission voted 6-1 to forward this Docket to the Board of Supervisors with a recommendation of approval. The motion included the conditions of approval recommended by staff. No objections were received from any member of the Public.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

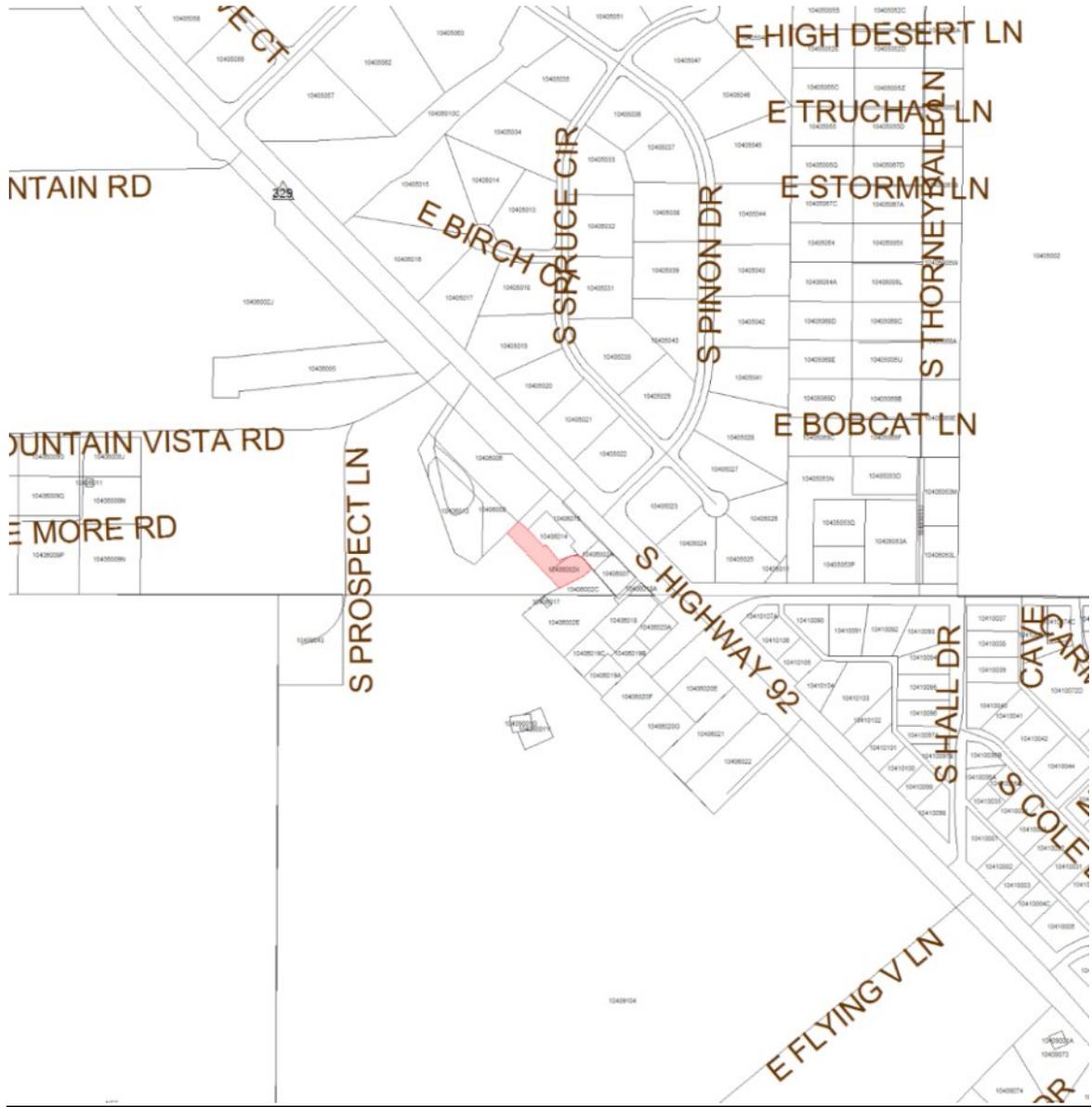
Parcel Size:	0.65 Acres
Zoning:	R-36 (Residential, one dwelling per 36,000-square feet)
Growth Area:	Community Growth Area
Comprehensive Plan Designation:	B-Developing
Area Plan:	None
Existing Uses:	Single Family Residential
Proposed Uses:	Retail Sales

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Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Vacant
South	R-36	Vacant/Single Family Dwelling
East	GB/R-36	Restaurant/Wrecked Commercial
West	R-36	Grazing Land



Above: Location Map

III. PARCEL HISTORY

- 1970 – Single Family Dwelling Constructed
- 2005 – Permit to remodel Dwelling issued

#### IV. NATURE OF REQUEST

The Applicant is requesting a change of zoning from R-36 (Residential, one dwelling per 36,000) to GB (General Business) to combine with two adjacent parcels to be developed as a Retail Sales land use. The structure and parking would be on the forward two parcels, which are currently zoned GB, and the septic system will be located on the subject parcel.



*Above: View of the site.*

#### V. ANALYSIS OF IMPACTS

##### Mandatory Compliance

The subject property lies within a Category B–Developing. Section 402 of the Zoning Regulations allows owners of property lying within Developing areas to seek a GB zoning.

##### Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides a list of fifteen factors with which to evaluate Rezoning applications. Staff uses these factors to help determine the suitability of a given request, whether to recommend approval for a rezoning, as well as to determine what Conditions and/or Modifications may be needed.

Thirteen of the fifteen factors apply to this request. The project, complies with each of those thirteen factors. The two remaining factors are not applicable to this application.

1. Provides an Adequate Land Use/Concept Plan: Complies

The Applicant has provided a complete site plan showing the subject parcel and adjoining parcels to be used in the development.

2. Compliance with the Applicable Site Development Standards: Complies

The property meets all site development standards in the GB zoning district.

3. Adjacent Districts Remain Capable of Development: Complies

The proposed rezoning would not affect the development prospects of any neighboring property. The proposed land use will require screening from adjacent residentially zoned and developed parcels.

4. Limitation on Creation of Nonconforming Uses: Complies

The proposal would not create any non-conforming land uses. The existing single family residence is permitted in GB zoning districts, without any of the typical residential protections against commercial impacts.

5. Compatibility with Existing Development: Complies

The area is characterized by mixed commercial and residential development.

6. Rezoning to More Intense Districts: Complies

This is an extension of the existing GB zoning currently present in the area, and these parcels previously held commercial uses prior to the Monument Fire.

7. Adequate Services and Infrastructure: Complies

The site is currently developed and served by all necessary infrastructure.

8. Traffic Circulation Criteria: Complies

The site takes access from a commercial street connecting directly to Highway 92.

9. Development Along Major Streets: Not Applicable

No new access to a collector or arterial road is proposed. The current access is an existing frontage road to Highway 92.

10. Infill: Complies

This Factor encourages GB zoning in areas that are already zoned GB and have existing commercial development. This area hosts multiple GB zonings, and is home to several restaurants.

#### 11. Unique Topographic Features: Complies

There are no exceptional topographic features warranting consideration on or near the site.

#### 12. Water Conservation: Complies

The site lies within the Sierra Vista Sub Watershed, and will comply with all appropriate water conservation measures mandated by the zoning regulations.

#### 13. Public Input: Complies

The Applicant completed the Citizen Review process, and received no response. Staff posted the property on February 23, 2015, and published a legal notice in the Bisbee Observer on February 19, 2015. The Department also mailed notices to property owners within 300-feet of the site. To date, staff has not received any statements for or against the request.

#### 14. Hazardous Materials: Not Applicable

No hazardous materials are proposed as part of the future residential development plan.

#### 15. Compliance with Adopted Plans: Complies

The request complies with the Comprehensive Plan's policies regarding siting of commercial development, being located along a state highway and adjacent to existing commercial zoning and development.

### VI. MODIFICATIONS TO DEVELOPMENT STANDARDS

None required or requested.

### VII. PUBLIC COMMENT

The Planning Department mailed notices to neighboring property owners within 1,500-feet of the subject property. Staff posted the property on February 23, 2015 and published a legal notice in the *Bisbee Observer* on February 19, 2015. In response to applicant and County mailings, the Planning Department received no letters supporting or opposing this request.

### VIII. SUMMARY AND CONCLUSION

This request is for a rezoning of one parcel to General Business to facilitate combining with two additional parcels currently zoned GB to permit the construction of a Retail Sales establishment. The site is located on a commercial corner, and was home to Nick's Place, a local landmark establishment until its destruction in the Monument Fire. The request would be in line with the existing development, as noted by the Planning and Zoning Commission in the late 1970's when, on their own initiative, the Commission rezoned several of the other properties in the area from R-36 to GB based on the actual commercial uses of the property. This parcel was never captured in any of those revisions.



*Above: View of the site, including existing residence on subject parcel and wrecked commercial structure.*

#### Factors in Favor of Approving the Special Use

1. The request complies with each of the thirteen applicable Rezoning factors used by staff to analyze this request;
2. The Cochise County Comprehensive Plan encourages the clustering of commercial development with similar development and along major roadways;
3. The request would bring the zoning of the site into line with the surrounding area based on actual land use; and
4. No letters in opposition have been received.

#### Factors Against Allowing the Special Use

None apparent.

#### IX. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends the Board of Supervisors Conditionally Approve this request, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and

2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

## X. ATTACHMENTS

- A. Application
- B. Parcel map and aerial
- C. Concept Plan