



Cochise County
Community Development
Planning, Zoning and Building Safety Division
Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

TO: Cochise County Board of Supervisors
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket Z-18-03 (Santa Lucia)
DATE: March 14, 2018 for the March 27, 2018 Meeting

APPLICATION FOR A REZONING

Cochise County Development Services is requesting a rezoning from R-36 (Residential, one dwelling per 36,000 square feet) to R-18 (Residential, one dwelling per 18,000 square feet). The request is to make four existing sub-standard lots (three with single family residences) compliant, rebuildable, and the vacant lot buildable.

The subject parcels, APN 107-66-029F (4210 S Santa Lucia Ave), 107-66-029G (4226 S Santa Lucia Ave), 107-66-029C (4409 E Gardner St), and 107-66-029 (4421 E Gardner St) are on the northwest corner of S Santa Lucia Ave and E Gardner Street in Sierra Vista Estates. The parcels are further described as being situated in Section 30 of Township 22 South, Range 21 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Cochise County.

I. PLANNING AND ZONING COMMISSION RECOMMENDATION.

On Wednesday March 14, 2018, the Planning and Zoning Commission voted 8-0 to forward this Docket to the Board of Supervisors with a recommendation of approval. As this was a County initiated rezoning, there are no conditions of approval recommended for the request.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Sizes:	Varies from ~27,000 to ~18,000 square feet
Current Zoning:	R-36 (Residential; one dwelling per 36,000 square feet)
Proposed Zoning:	R-18 (Residential; one dwelling per 18,000 square feet)
Growth Area:	B – Neighborhood Conservation
Plan Designation:	Neighborhood Conservation
Area Plan:	None
Existing Uses:	Existing single family homes/vacant lot
Proposed Uses:	Legitimize the existing single family homes, and allow a replacement home on the vacant lot

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Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Single family homes
South	R-36	Single family homes
East	R-36	Single family homes
West	R-36	Single family homes

III. PARCEL HISTORY

Three of the four parcels currently have single family homes constructed on them. The fourth one had a manufactured home that was removed. The following is a breakdown of the individual lots:

107-66-029:

- 1983, Permit for manufactured home
- 1987, Permit for patios and porches (Note on permit that lot created prior to 1975)
- 2003, Permit heating and cooling upgrade

107-66-029C:

- 1978, Permit for 280 square foot addition
- 1988, Permit to enclose patio
- 1988, Permit for fence
- 2001, Permit for garage

107-66-029G (D)

- 1986, Permit for manufactured home (**in error**)
- 1989, Permit for 920 square foot addition (**in error**)

107-66-029F

- No permit history, however aerials and site visit clearly demonstrate a manufactured home was previously located on this lot.

IV. NATURE OF REQUEST

Cochise County Development Services is requesting a rezoning from R-36 (Residential, one dwelling per 36,000 square feet) to R-18 (Residential, one dwelling per 18,000 square feet). The request is to make four existing sub-standard lots (three with single family residences) complaint, rebuildable, and the vacant lot buildable.

Earlier this year Mr. Willie Pigott foreclosed on a parcel of land purchased from Cochise County Treasures office (Tax Lien). Upon discussion with Planning and Zoning staff it became clear that the lot (107-66-029F) was a non-compliant lot. The Zoning is R-36, which requires a minimum of 36,000 square feet. The lot is not quite 22,000 square feet. Staff did some additional research and realized that the parcel to the south 107-66-029G also did not meet minimum lot size requirements, however, a permit was issued by staff in 1986, and again in 1989 in error.

Further research showed two additional adjacent lots 107-66-029 and 107-66-029C were also too small. However, these lots were created prior to 1975. To clean up the area and provide consistency, staff included these parcels into the rezoning request before the Commission. None of the parties responsible for the non-compliant lot splits retain ownership. Due to this fact, staff issuing 2 permits in error and the fact that no new additional residential lots will be created because of the rezoning request, staff recommends approval.

Other than maximum density, no other site development standards change from R-36 to R-18. This does pose a problem with setbacks, as several of these lots have homes, sheds and garages which project into required setbacks. Staff would request that the existing non-compliant structures be allowed to remain and deemed compliant.



Location Map



Aerial Photo

V. ANALYSIS OF IMPACTS

Mandatory Compliance

Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category B–Community Growth Area. Section 402 of the Zoning Regulations allows owners of property lying within this Plan Designation to request a rezoning to R-18.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Nine of the criteria are applicable to this request. Eight of the criteria are met as is, and the remaining one is met with the recommended Conditions of approval.

1. Provides an Adequate Land Use/Concept Plan: Not applicable

Three of the four lots proposed to be rezoned have well established single family homes on them. The vacant lot will be required to meet the minimum setback requirements or request a lot modification/variance at time of development.

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



As noted above, the vacant lot will be required to meet all current development standards, however, the existing homes are well established. Due to this, Staff would support approving a waiver for the required setbacks for the *existing* homes, garages, sheds, etc.

3. Adjacent Districts Remain Capable of Development: Complies

The proposed rezoning would not affect the development prospects of any neighboring property. All surrounding properties are currently developed.

4. Limitation on Creation of Nonconforming Uses: Complies

If approved, the rezoning would not create any non-conforming land uses. However, without approval of the waiver, several structures would not comply with setback regulations.

5. Compatibility with Existing Development: Complies

The area is characterized by dense residential development. There are several other similar parcels in the surrounding blocks that have been split and have single family homes on them. Some of these parcels were split prior to the adoption of zoning in 1975, and are therefore legal non-conforming. Staff issued permits for the other lots, and those owners no longer own the subject properties.

6. Rezoning to More Intense Districts: Not Applicable

While small, isolated rezonings to more intense districts are generally discouraged, the fact that three of the four parcels currently are developed, the fourth previously had a manufactured home on it and the surrounding area are completely developed precludes this rezoning from harming the neighboring properties. The current development is not proposed to be enlarged, which also will not cause harm to the adjoining parcels.

7. Adequate Services and Infrastructure: Complies

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

8. Traffic Circulation Criteria: Complies

No additional trips will be generated by this request.

9. Development Along Major Streets: Not Applicable

Two of the parcels take access off of Gardner Road, the other two on Santa Lucia. All lots have been developed at some point and no new trips will be generated.

10. Infill: Not Applicable

This Factor applies only for rezoning requests to GB, LI or HI.

11. Unique Topographic Features: Complies

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

12. Water Conservation: Complies

The property is within the Sierra Vista Sub-watershed, but is mostly developed. If the rezoning is approved and a new home or any replacements are constructed in the future, all appropriate water conservation measures required by the zoning regulations will apply.

13. Public Input: Complies

The Applicant completed a Citizen Review, and Staff mailed notices to neighboring property owners within 1,000 feet of the subject property on February 14, 2018. Staff posted the property on February 15, 2018 and published a legal notice in the *San Pedro Valley Sun-News* on February 27, 2018.

In addition, staff went door to door and made contact with each property owner effected by this application. General support was received by all parties, but nothing was received in writing.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Not Applicable

The subject property does not lie within an adopted Area Plan.

VI. PUBLIC COMMENT

In response to County mailings, the Planning Department has received no responses.

VII. MODIFICATIONS TO DEVELOPMENT STANDARDS

Staff would request that the setbacks be modified to allow existing homes, garages, sheds, etc. which encroach into the required setbacks be allowed to continue.



VIII. SUMMARY AND CONCLUSION

Cochise County Development Services is requesting a rezoning from R-36 (Residential, one dwelling per 36,000 square feet) to R-18 (Residential, one dwelling per 18,000 square feet). The request is to make four existing sub-standard lots (three with single family residences) complaint, rebuildable, and the vacant lot buildable. This request would make the existing homes comply with the zoning regulations. Today, permits other than minor repairs of fencing cannot be issued. This will help the existing property owners, that were not parties to the illegal splits.

Factors in Favor of Approval

1. Allowing the rezoning and subsequent residential use would not alter the overall character of development in the area; and
2. Existing property owners, which were not involved with the illegal lot splits will have compliant properties and be able to replace in the event of a fire, obtain permits, and construct a new home.
3. No opposition has been expressed.

Factors Against Approval

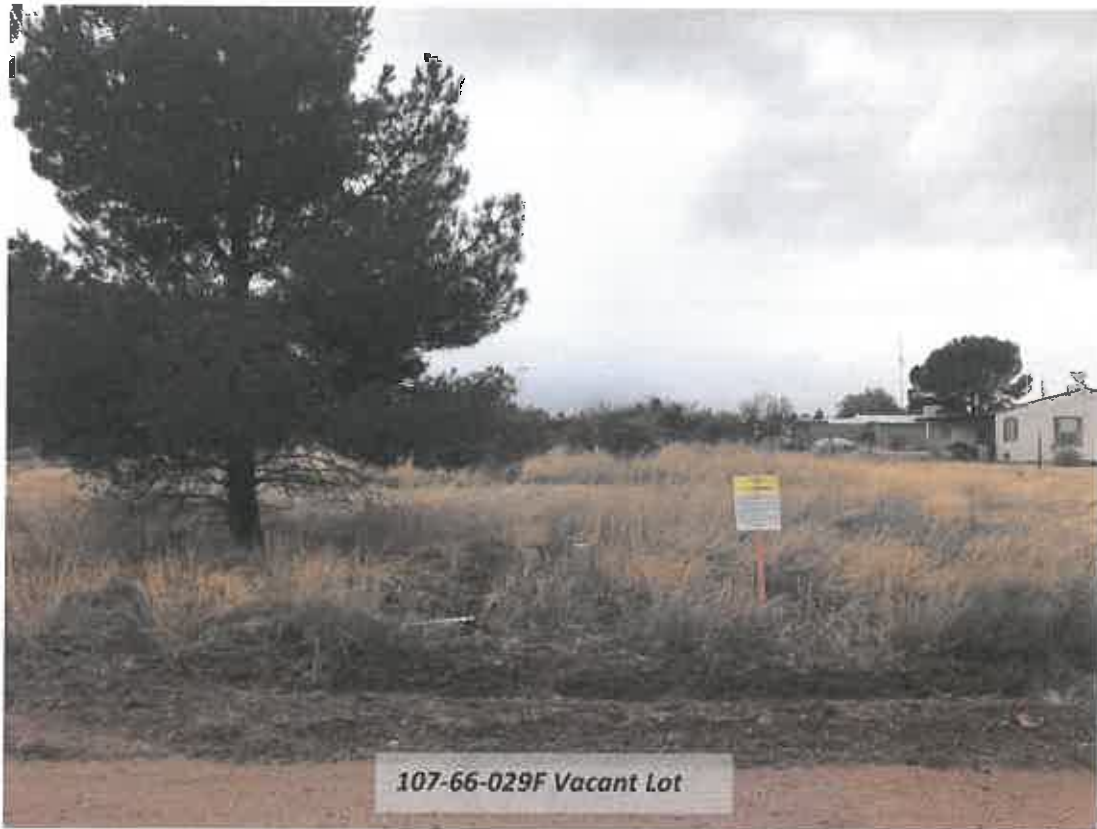
1. None

IX. RECOMMENDATION

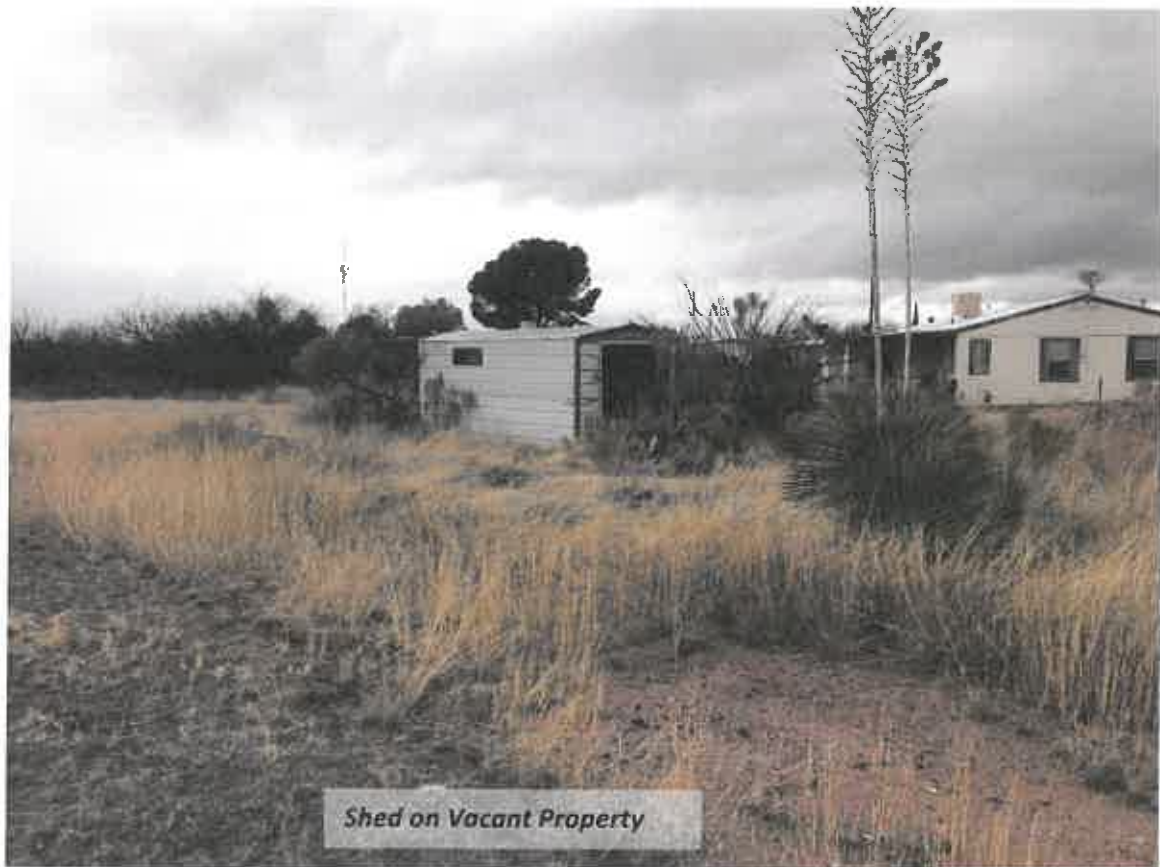
Based on the factors in favor of approval, the Planning Commission is forwarding the docket to the Board of Supervisors with a recommendation of approval.

VIII. ATTACHMENTS

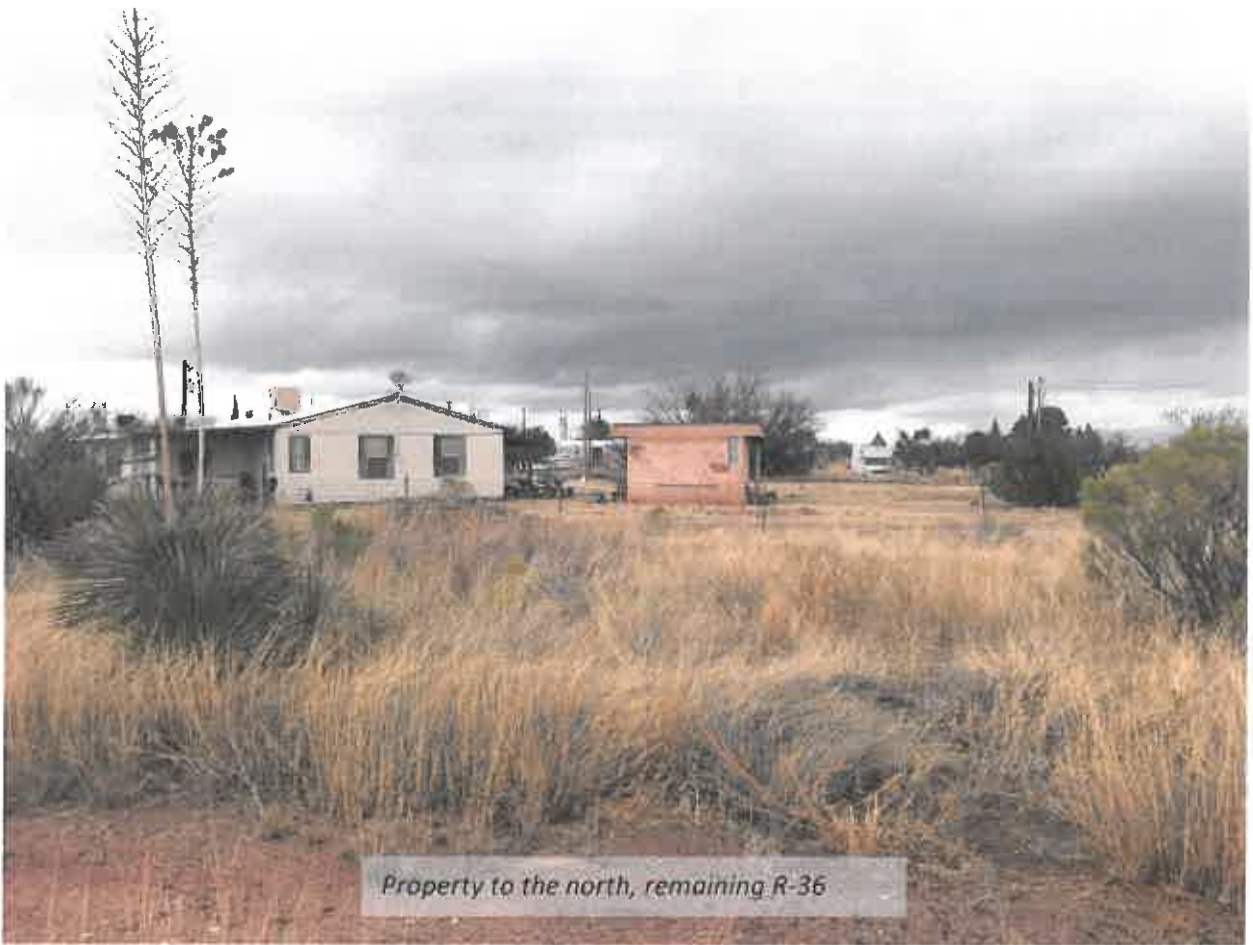
- A. Agency Comment Memos
- B. Photos



107-66-029F Vacant Lot



Shed on Vacant Property



Property to the north, remaining R-36



Parcel 107-66-029G, Permits issued in error



107-66-029G, wavier requested for setbacks



Parcel 107-66-029



Parcel 107-66-029C