Cochise County
Community Development
Planning, Zoning and Building Safety Division

Public Programs...Personal Service
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MEMORANDUM

TO: Cochise County Board of Supervisors
THROUGH: Edward Gilligan, County Administrator
FROM: Peter Gardner, Planner II
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket Z-18-05 (Reaves)
DATE: May 10, 2018 for the May2, 2018 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from RU-4 Rural; one dwelling per 4-acres) to RU-2 (Rural; one dwelling per 2-acres). The request is to facilitate the split of the parcel, leaving the existing home and existing church/storage building on separate parcels. The subject parcel is 4.57 acres (199,177 square feet) in size. The subject parcel, APN 106-04-110A, is located at 2472 N. Appaloosa Place in unincorporated Huachuca City. The commercial building has a separate address of 315 W. Camino de Mesa. The Applicants is Carla Reaves.

I. PLANNING & ZONING RECOMMENDATION

On Wednesday, May 9, 2018, the Planning and Zoning Commission voted 6-2 against forwarding this Docket to the Board of Supervisors with a recommendation of approval. The Commission recommends denial.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size:	4.57 acres
Current Zoning:	RU-4 (Rural; one dwelling per 4-acres)
Proposed Zoning:	RU-2 (Rural; one dwelling per 2-acres)
Growth Area:	B – Community Growth Area
Plan Designation:	Developing
Area Plan:	None
Existing Uses:	Single Family Residence & Accessories/Quonset built as Church & used as personal storage
Proposed Uses:	Same

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Single Family Residence (Manufactured Home)
South	County Maintained Road/Vacant	W. Camino de Mesa/Vacant

East	SR-174	Single Family Residence
West	Non-Maintained Road/SR-174	N. Appaloosa Place/Single Family Residential

III. PARCEL HISTORY

Prior to 2004 – Permits pulled but never completed

2004 – Permit issued for shed & completed. Permit issued for sign and canceled. Permit issued for commercial accessory structure and canceled.

2006 – Permit issued for residence & completed.

2007 – Permit issued for addition & completed.

2008 – Permit issued for barn & completed.

2009 – Permit issued for carport & completed. Permit issued for Quonset church building. Building completed, site not completed, permit canceled.

IV. NATURE OF REQUEST

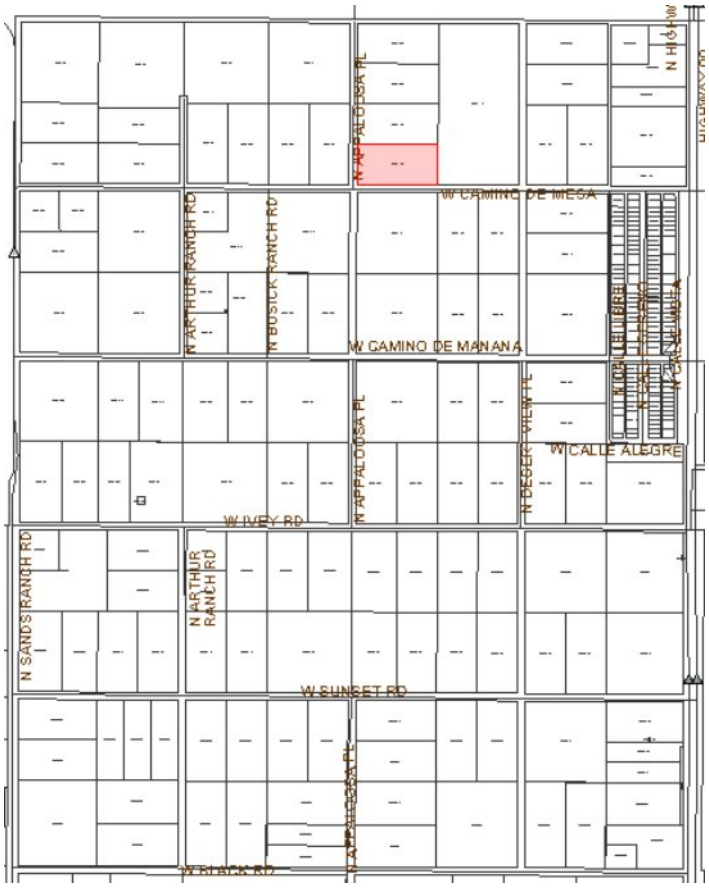
The Applicant is requesting to amend the zoning of her 4.57-acre parcel in Whetstone. The request is to divide the parcel, splitting the residence and accessories away from the partially developed commercial site. The commercial side has a 4,800 square foot Quonset hut which was permitted as a church. The building was completed, but no on-site improvements were completed, and the permit was cancelled. The building is currently used for personal storage.

The area was originally plotted as the Cochise Ranchos subdivision in 1957. This subdivision consisted of 80 lots of approximately 9.1 acres, with dedicated right-of-way surrounding each block of four lots. Two lots were re-platted in 1962 into the Cochise Ranchettes subdivision, consisting of 64 lots of approximately 0.17 acres each. In 1964, an additional lot was re-platted into Loma Serna, an 80-lot subdivision with lots of approximately 0.15 acres. Various other lots have been split between 1960 and 2017. Of the original 80 lots, two have been combined into one, and 22 are in, or similar to, their original configurations. The other 53 have been split into lots of various sizes, including 13 lots of less than four acres.

In 1975, the area was zoned RU-4. Rezonings have been granted between 1975 and 2000. Parcels along the highway were granted zonings to MH, NB, and GB zonings, to better fit with their developed character. In 2000, a group of property owners applied to amend the zoning from RU-4 to SR-174. The SR zoning did not alter the density, but otherwise became much more restrictive. Manufactured homes and most commercial uses are strictly prohibited in the SR zoning. This change only applied to the parcels belonging to the applicants' in the original docket. The Applicant's property was not one of the subject parcels.

The sites along the highway are a mixture of high density residential and commercial uses. The commercial uses include several propane businesses and the Little Family Farm.

The applicant's site is unique within the area inland from the highway in that it has been developed with multiple uses. The residential site and the intended church site are divided by a six-foot block wall, which also encloses the entire site. The residential portion takes access from N. Appaloosa, and the church site is accessed from Camino de Mesa, although the driveway has never been developed.



Location Map, showing the original area of Cochise Ranchos. Highway 90 is on the east border.

Aerial view of the site and neighboring properties

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 and is considered an "Development" area per the Comprehensive Plan. RU-2 zoning is permitted in the Category "B," "Development" areas, therefore this request to rezone to RU-2 complies with the Comprehensive Plan as detailed below. RU-2 is the lowest density permitted by the Developing designation. Neither RU-4 nor SR-174 comply with the designation.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Twelve of the criteria are applicable to this request. Eight of the factors are met as submitted, three are met with conditions and modifications, and one is not met.

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

If approved, the applicant intends to divide the property along the existing block wall. It will be the applicant's responsibility to ensure that the proposed division results in two compliant acres of two acres or more each.

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

The Board of Supervisors may, as part of a rezoning request, specify which site development standards apply. If a split along the block wall is otherwise compliant, one of the residential accessory structures will not meet the required 20-foot setbacks. The Board may waive this setback requirement, or, if that is not done, the structure will be rendered non-conforming. In this case, the structure may not be expanded, nor replaced if destroyed.

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

The proposal would not affect the development prospects of any neighboring properties. As noted above, it may create a non-conformance with an existing accessory structure, but the principal structure will be complaint. The eastern portion would also remain capable of further development. No other parcels would be affected in this way.

4. Limitation on Creation of Nonconforming Uses: **Complies with Modification**

This factor is focused on the creation of non-conforming lots or uses, for example a rezoning of a large area to a residential district in an area with existing commercial uses. The only potential non-conforming use will be a single accessory structure.

5. Compatibility with Existing Development: Complies

While the immediately surrounding area is zoned for four acre lots or larger, there are 13 non-conforming lots of less than four acres. These vary from 3.04 to 2.20 acres in size. This request would create two additional such lots.

6. Rezoning to More Intense Districts: **Complies with Conditions**

As noted above, the proposed zoning does not substantially alter the existing pattern of development due to its unique nature. The parcel is currently developed with an existing home and accessory structures on one portion, and a large Quonset on the other. If rezoned and split, the only new development that would be permitted would be an additional home on the eastern portion. The site is also buffered on all sides by an existing six-foot block wall.

7. Adequate Services and Infrastructure: Complies

The site has existing electric, gas, water, and septic service. Whetstone Fire provides fire service.

If this request covered a large portion of the Cochise Ranchos area, there would be potential for impacts to the infrastructure, particularly the non-maintained roadways and the ability to install wells and septic systems. In this case, as the request pertains to a single, already developed parcel, the infrastructure is adequate.

Camino de Mesa, and the gate to the east portion.

8. Traffic Circulation Criteria: **Complies**

As the site is currently developed, and the only additional use would be a single additional home, with access onto Camino de Mesa, traffic generation is minimal and easily supported by the County Maintained roadway.

The existing home.

9. Development Along Major Streets: **Complies**

No additional access points are proposed, and the existing driveway location is sound.

10. Infill: **Not Applicable**

This factor applies to rezonings to General Business, Light Industry, and Heavy Industry districts.

11. Unique Topographic Features: Not Applicable

There are no unique features such as steep slopes, large washes, or unstable soils, which would warrant special consideration.

12. Water Conservation: Complies

Any future development will be required to comply with applicable water conservation regulations. The limited scope of the request, a single parcel, limits the impact.

The Quonset.

13. Public Input: Does Not Comply

The Applicant completed a Citizen Review and received no response. Staff mailed notices to neighboring property owners within 1,000 ft. of the subject property on April 6, 2018. Submittal dates on the reverse of the letter were incorrect, and an additional notice was sent to correct the submittal dates on April 17. Staff posted the property on April 19, 2018 and published a legal notice in the *San Pedro Valley Sun-News* on April 24, 2018. At the request of a property owner within the 1,000-foot radius, Staff supplied contact information for all property owners within the Cochise Ranchos area. Staff provided this information for the parcels comprised of the original blocks except those bordering Highway 90. Letters in support have been received from the owners of two parcels, and opposition from 57. The letters in opposition cited concerns about the character of the area as intended in 1957, traffic & impact on County maintained roadways, noise, light pollution, water draw, impacts of new septic systems blocking new wells & vice versa, and wildlife. The attached form letter is predicated on this request setting a precedent that will require any future such requests to be granted. These concerns are not ones that can be addressed by this Applicant, as they are concerned with a much larger potential future request, rather than the specific request in question, limited to the single parcel with unique attributes.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Comprehensive Plan: Complies

The subject property lies within a Category "B"– Community Growth Area and is considered an "Development" area per the Comprehensive Plan. This designation is intended to include area with mixed uses until a clear pattern of development occurs. While the area is majority four acre lots or larger, as noted above, the area includes substandard RU-4 & SR-174 lots, high density residential, and heavy commercial uses. The request to add a single additional lot complies with the Developing designation.

VI. PUBLIC COMMENT

Support has been received from two parcels, and opposition from 57. The letters in opposition cited concerns about the character of the area as intended in 1957, traffic & impact on County maintained roadways, noise, light pollution, water draw, impacts of new septic systems blocking new wells & vice versa, and wildlife.

VII. SUMMARY AND CONCLUSION

The request is for a rezoning, from RU-4 (Rural; one dwelling per four-acres) to RU-2 (Rural; one dwelling per two-acres) on a 4.57-acre parcel located in Whetstone. At this time, the area is characterized by rural residential land uses, and is considered a Community Growth, Developing, area under the Comprehensive Plan. The Applicant wishes to change the zoning to facilitate dividing the property, splitting the existing home & accessories from the Quonset building constructed, but never used as, a church. The site is physically divided in this manner, and if approved, the request would permit the construction of a single additional dwelling.

There is significant neighbor concern that if the request is approved that it will set an undeniable precedent requiring any future rezoning requests to be approved, potentially causing a doubling of density in the area. Any amendment to zoning is a legislative act, and therefore while precedent may factor into a decision, it is not legally binding. Staff is unable to predict future requests, although it seems unlikely that any of the objecting property owners are likely to request such a rezoning. The area has been repeatedly split from the original 1957 plat, with no more that 30 percent of the original lots intact, with 13 lots of under four-acres, and this request does not substantially alter the character of the neighborhood. Based on the unique nature of this property, being physically developed as two separate sites, the request does not create a reasonable precedent for requests on vacant parcels, nor those developed as a single unified site.

Factors in Favor of Approval

1. Allowing the request will not alter the character of the existing development in the area as the site is already developed;
2. The unique nature of this site precludes it being used as precedent for future potential requests;
3. The request will be supported by the existing infrastructure and services;
4. Rezoning to RU-2 for the purpose described would not change minimum site development standards other than density requirements for any future construction;
5. Allowing the rezoning would permit the applicant to split the property in a legal manner;
6. The Comprehensive Plan policies prescribe Developing areas to grow towards build-out. This request would bring the zoning into compliance with the Plan;
7. Owners of two parcels have expressed written support.

Factors Against Approval

1. On May 9, 2018, the Commission voted 2-6 against recommending approval.
2. Owners of 65 parcels have expressed written opposition.

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from RU-4 (Rural; one dwelling per four-acres) to RU-2 (Rural; one dwelling per two-acres) on an 4.57-acre parcel located 2472 N. Appaloosa Place in unincorporated Huachuca City to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions and Modification:

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; and

Modification - The existing residential accessory structures shall be deemed legal non-conforming if less than 20-feet from new property lines.

IX. ATTACHMENTS

A. Application
B. Location Map
C. Agency Comment Memos
D. Public Comment