



Cochise County
Community Development
 Planning, Zoning and Building Safety Division

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket Z-18-04 (Vicencio)
DATE: March 29, 2018 for the April 11, 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 creation of up to five lots. The subject parcel totals 10 acres.

The subject parcel, APN 203-10-006C, is located on the northwest corner of West Red Rose Lane and South Taylor Road in Willcox. They are further described as being situated in Section 10 of Township 14 South, Range 24 East of the G&SRB&M, in Cochise County, Arizona. The Applicant Sylvia Vicencio.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 10.00 (435,084 sq. ft.)
 Current Zoning: RU-4 (Rural; one dwelling per 4 acres)
 Proposed Zoning: RU-2 (Rural; one dwelling per 2 acres)
 Growth Area: B
 Plan Designation: Developing
 Area Plan: None
 Existing Uses: Single family home/vacant land
 Proposed Uses: Up to 5 2 acre lots

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Single family residential/vacant land
South	GB	Single family residential/Vacant land
East	RU-4	Single family residential/Vacant land
West	R-36	Single family residential/Vacant land

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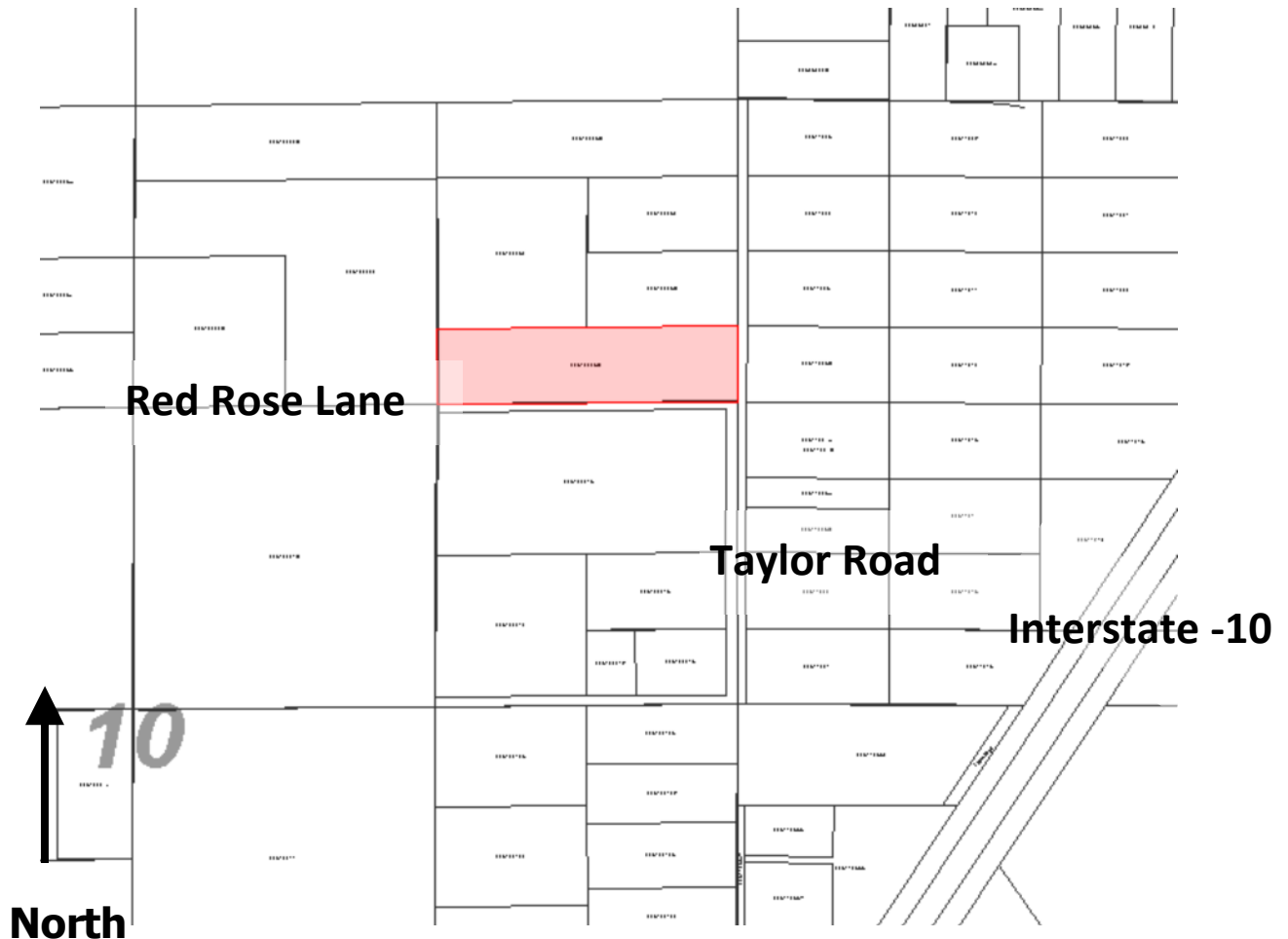
II. PARCEL HISTORY

- 2004- Replacement Single Family Home
- 2002- Replacement Manufactured Family Home
- 1998- Manufactured Home

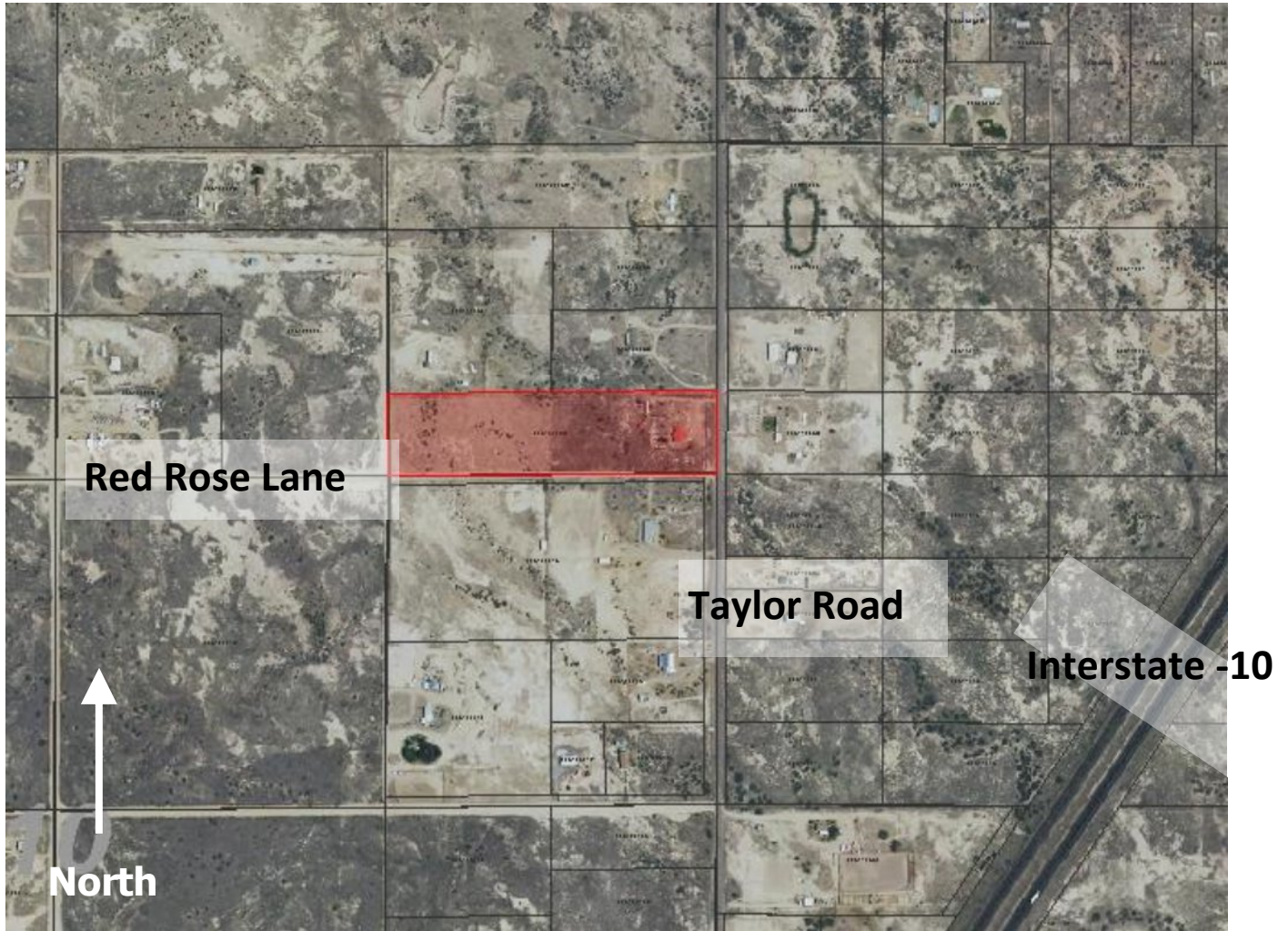
III. NATURE OF REQUEST

The Applicant is requesting to amend the zoning on a 10-acre parcel in the Willcox area from RU-4 to RU-2. This request is to facilitate splitting the parcel into lots of two acres minimum. There is an existing single-family home on the property fronting on Taylor Road. Current zoning allows the applicant to split the property into two lots today. However, the owner would like to be able to give a portion of the lot to each of her children. The applicant is only proposing to create a total of four lots, however this rezoning would allow up to a total of five lots.

The newly created lots would take access off of Red Rose Lane to Taylor Road. The zoning in the area is mixed with RU-4 (4-acre minimum lots) north and west of the parcel, R-36 (36,000 square foot lots) to the east and General Business to the South.



Location Map



Aerial

IV. 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” and is considered a “Developing” area per the Comprehensive Plan. RU-2 zoning is permitted in the Category “B,” “Developing Areas” areas, so this request to rezone complies with the Comprehensive Plan as detailed below.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Eleven of the criteria are applicable to this request. Eight of the criteria are met as is, and two are met with the recommended Conditions of approval. One factor does not comply.

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

The concept plan provided by the Applicant depicts one four-acre lot (where the residence is) and three additional 2 acre lots. The three new parcels will take access from Red Rose Lane.

2. Compliance with Applicable Site Development Standards: Complies

As noted above, the 10-acre site currently has one single family home constructed on it. Up zoning to RU-2 would not negatively impact the ability of the parcel to be developed. The only site development standard that would become less stringent is the maximum density. The Applicant must remain aware that under both the current RU-4 and proposed RU-2 zonings that all structures must remain a minimum of 20 feet from all property lines and road travel ways.

3. Adjacent Districts Remain Capable of Development: Complies

The proposal would not affect the development prospects of any neighboring property. The surrounding zoning districts verify from General Business south across Red Rose to R-36 east across Taylor road and RU-4 to the north and west.

4. Limitation on Creation of Nonconforming Uses: Complies

If approved, the rezoning would not create any non-conforming land uses.

5. Compatibility with Existing Development: Complies

The surrounding area consists of single family homes, mostly on larger lots. However, there are several lots that currently are smaller than 2 acres, including one of the respondents in opposition to this request. The request will be compatible with the surrounding residential uses. While the surrounding area north and west of the parcel is zoned RU-4, the parcel immediately to the south across Red Rose Lane is designated as General Business. A wide variety of commercial business, multi family or single family with lot sizes of 3,600 square feet

6. Rezoning to More Intense Districts: Complies

As indicated above, while this request would create a higher density zoning district, the parcel to the south is designated as General Commercial and the lots to the east are all designated as R-36, much higher density than this proposal will create.

7. Adequate Services and Infrastructure: Complies with Conditions

All roadways currently exist. Taylor Road is a paved, County maintained road. However, there is only an easement in place. A condition of approval is included requiring dedication for Taylor Road in order to perfect the right-of-way. Red Rose Lane is a non-maintained dirt road with an easement currently in place.

8. Traffic Circulation Criteria: Complies

The potential additional trips generated from granting the rights up to three additional homes will not adversely impact the road network

9. Development Along Major Streets: Complies

The existing single-family home takes access off Taylor Road. No new road cuts will be required to Taylor Road. The new single-family homes would all take access of Red Rose Lane.

10. Infill: Not Applicable

This Factor applies only for rezoning requests to General Business, Light Industry or Heavy Industry.



11. Unique Topographic Features: Not Applicable

The site is flat with no significant slope.

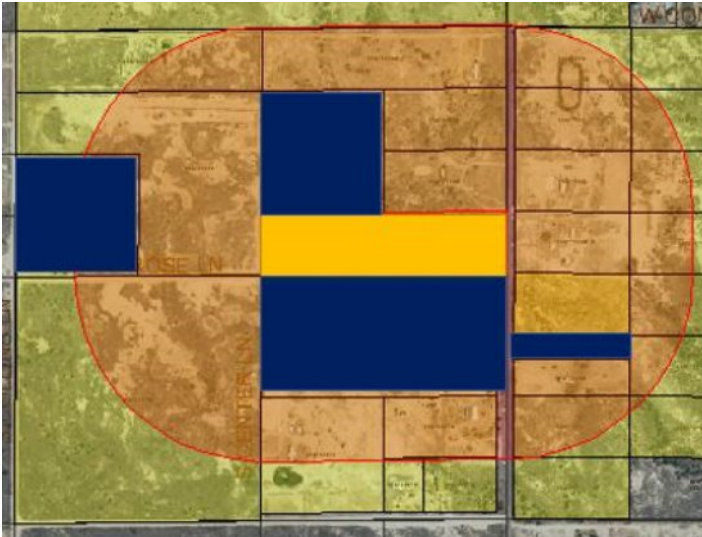
12. Water Conservation: Complies with Conditions

Upon submittal of the single-family homes, water conservation measures must be detailed.

13. Public Input: Does Not Comply



The Applicant completed a Citizen Review, and Staff mailed notices to neighboring property owners within 1,000 feet of the subject property on March 8, 2018. Staff posted the property on March 22, 2018 and published a legal notice in the *San Pedro Valley Sun-News* on March 21, 2018. Staff received four letters in opposition. One letter in opposition is directly across Red Rose Lane and is designated as General Commercial. Another was on the east side of Taylor Road, designated as R-36 and also has a parcel under 2 acres in size. The other two parcels are designated RU-4 and are located north and east of the request.



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.

V. PUBLIC COMMENT

In response to County mailings, the Planning Department has received four responses in opposition. That opposition is mentioned in detail above.

VI. SUMMARY AND CONCLUSION

The request is for a rezoning, from to RU-4 (Rural; one dwelling per four acres), to RU-2 (Rural; one dwelling per two acres) on a 10-acre parcel located on the northwest corner of Taylor Road and Red Rose Lane. At this time, the area is characterized by open expanses, with current development occurring on a Rural scale. The Comprehensive Plan designates the site as Developing.

Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of the existing development in the area and create a buffer between the General Commercial Land Use to the south and the RU-4 to the north;
2. The Comprehensive Plan policies prescribe designates this area as developing and RU-2 is a permitted zoning district;
3. The rezoning would provide a buffer between the General Commercial, R-36 and the RU-4 zoning designations.

Factors Against Approval

1. Staff has received four letters of opposition
2. The item does not comply with Public Input factor

VII. 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 a 10-acre parcel located at the northwest corner of Taylor Road and Red Rose Lane to the Board of Supervisors with a recommendation of **Conditional Approval**, 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;
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;
3. The applicant shall be required to dedicate right of way to the County prior to issuance of any permits for the parcel.

VIII. ATTACHMENTS

- A. Complete Staff Report
- B. Application
- C. Citizen Response
- D. Agency Response