Cochise County
Community Development
Planning, Zoning and Building Safety Division

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner II
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket Z-18-06 (Lara)
DATE: July 2, 2018 for the July 11, 2018 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from SR-43 (Single Family Residential; one dwelling per one-acre) to SR-22 (Single Family Residential; one dwelling per 22,000 square feet). The request is to facilitate the split of the parcel, leaving the existing home on one parcel, and creating a second buildable lot. The subject parcel is one acres (43,560 square feet) in size. The subject parcel, APN 410-21-037B, is located at 2246 E. 23rd Street in unincorporated Douglas. The Applicant is Frank Lara.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 1.09 acres (47,401 square feet)
Current Zoning: SR-43 (Single Household Residential; one dwelling per 1-acre)
Proposed Zoning: SR-22 (Single Household Residential; one dwelling per 22,000 square feet)
Growth Area: B – Community Growth Area
Plan Designation: Neighborhood Conservation
Area Plan: None
Existing Uses: Single Family Residence
Proposed Uses: Same with additional lot for additional dwelling

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-43	Vacant
South	County Maintained Road/SR-43	E. 23rd Street/Single Family Homes
East	SR-43	Single Family Homes
West	SR-43(Legal Nonconforming lots 16,700 square feet)	Single Family Homes

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II. PARCEL HISTORY

2004 – Permit issued for home.

III. NATURE OF REQUEST

The Applicant is requesting to amend the zoning of his 1.09-acre parcel in Douglas. The request is to divide the parcel, splitting the residence and creating an additional buildable lot to construct a home for his mother. While the zoning would be unique in the area, the lots immediately to the west are legal nonconforming, and are smaller than the minimum area of the proposed zoning district.

Location Map, showing the smaller lots to the west.

Aerial view of the site and neighboring properties

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" Community Growth Area and is considered a "Neighborhood Conservation" area per the Comprehensive Plan. SR-22 zoning is permitted in the Category "B," "Neighborhood Conservation" areas, therefore this request to rezone to SR-22 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. All of the factors are met as submitted.

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

If approved, the applicant intends to divide the property into two lots, each with a minimum of 22,000 square feet. It will be the applicant's responsibility to ensure that the proposed division results in two compliant parcels of 22,000 square feet or more each.

2. Compliance with Applicable Site Development Standards: Complies

The proposal will create too sites fully capable of complying with all applicable site development standards.

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

The proposal would not affect the development prospects of any neighboring properties.

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

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. No non-conforming uses will be created.

5. Compatibility with Existing Development: Complies

While the immediately surrounding area is zoned SR-43, the adjacent lots to the west are not only legal nonconforming at SR-43, they are smaller than the 22,000 square foot minimum requested by the applicant. If approved, the request will not alter the appearance or character of the neighborhood.

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

As noted above, the proposed zoning is in harmony with the lots to the west. Even if rezoned to SR-22 from SR-43, these adjacent lots would still be legal nonconforming, as they are 16,700 square feet. This request would not alter the character of the neighborhood by creating a single new buildable lot.

7. Adequate Services and Infrastructure: Complies

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

The vacant area to be split, with the home in the background.

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 E. 23rd Street, traffic generation is minimal and easily supported by the County Maintained roadway.

Looking west down E. 23rd Street.

9. Development Along Major Streets: **Not Applicable**

E. 23rd Street is a local side street.

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.

13. Public Input: Complies

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 and received one letter in support.

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 "Neighborhood Conservation" area per the Comprehensive Plan. This designation is intended to include protect existing residential neighborhoods from commercial or other high-intensity uses. The request to add a single additional lot complies with the Neighborhood Conservation designation.

V. PUBLIC COMMENT

Support has been received from one property owner.

VI. SUMMARY AND CONCLUSION

The request is for a rezoning, from SR-43 (Single Household Residential; one dwelling per 1-acre) to SR-22 (Single Household Residential; one dwelling per 22,000 square feet) on a 1.09-acre parcel located in Douglas. The Applicant wishes to change the zoning to facilitate dividing the property, and if approved, the request would permit the construction of a single additional dwelling.

Based on the unique nature of this property, adjacent to lots smaller than permitted in the requested zoning district, the request is compatible with the neighborhood development.

Factors in Favor of Approval

1. Allowing the request will not alter the character of the existing development;
2. The unique nature of this site precludes it being used as precedent for future potential requests;
3. The request SR-22 for the purpose described would not change minimum site development standards other than density requirements for any future construction;
4. Allowing the rezoning would permit the applicant to split the property in a legal manner;
5. Owners of one parcel has expressed written support.

Factors Against Approval

1. The request is technically a spot zoning, despite the adjacent non-conforming parcels.

VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from SR-43 (Single Household Residential; one dwelling per 1-acre) to SR-22 (Single Household Residential; one dwelling per 22,000 square feet) on a 1.09-acre parcel located at 2246 E. 23rd Street in unincorporated Douglas 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

VIII. ATTACHMENTS

A. Application
B. Location Map
C. Public Comment