



**Cochise County**  
**Community Development**  
 Planning, Zoning and Building Safety Division

*Public Programs...Personal Service*  
 www.cochise.az.gov

**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Robert Kirschmann, Planner II  
**FOR:** Daniel Coxworth, AICP, Development Services Director  
**SUBJECT:** Docket Z-18-09 (Contreras)  
**DATE:** October 31, 2018 for the November 14, 2018 Meeting

**APPLICATION FOR A REZONING**

The Applicant is requesting to rezone an approximately 9,000 square foot lot from R-18 (Residential, one dwelling per 18,000 square feet) to R-9 (Residential, one dwelling per 9,000 square feet). In addition, Cochise County Development Services is requesting to extend this rezoning to include ten (10) additional parcels for a total of approximately 5.26 acres. The request is to make Mr. Contreras lot buildable and help existing sub-standard lots, several with residences more conforming.

The subject parcels, APN 102-39-011N (2289 South Naco Highway), 102-39-011L (2301 South Naco Highway), 102-39-011H (no address), 102-39-011F ( 2339 S Sunflower Lane), 102-39-011E (2323 Sunflower Lane), 102-39-011G (2319 Sunflower Lane), 102-39-011I (2313 Sunflower Lane), 102-39-011K (No address), 102-39-011C (no address), 102-39-011J (1203 Granada Lane), 102-39-011D (no address) are on the southeast corner of South Naco Highway and West Granada Lane, south of Bisbee. The parcels are further described as being situated in Section 05 of Township 24 South, Range 24 East of the G&SRB&M, in Cochise County, Arizona.

**I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES**

Parcel Sizes:	Varies from ~2.7 acres to ~8,300 square feet
Current Zoning:	R-18 (Residential; one dwelling per 18,000 square feet)
Proposed Zoning:	R-9 (Residential; one dwelling per 9,000 square feet)
Growth Area:	B – Neighborhood Conservation
Plan Designation:	Neighborhood Conservation
Area Plan:	None
Existing Uses:	Existing single family homes/vacant land
Proposed Uses:	Allow applicant to construct a home and help bring surrounding lots closer into compliance.

**Planning, Zoning and Building Safety**  
 1415 Melody Lane, Building E  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9278 fax  
 1-877-777-7958  
 planningandzoning@cochise.az.gov

**Highway and Floodplain**  
 1415 Melody Lane, Building F  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9337 fax  
 1-800-752-3745  
 highway@cochise.az.gov  
 floodplain@cochise.az.gov

**Zoning/Use of Surrounding Properties**

<b>Relation to Subject Parcel</b>	<b>Zoning District</b>	<b>Use of Property</b>
North	R-18	Single family homes
South	R-18	Single family homes
East	R-18	Single family homes
West	RU-4	Vacant Lane/ Naco Highway

**II. PARCEL HISTORY**

Five of the eleven parcels currently have single family homes constructed on them. Many of the homes in the area were built prior to the requirement for permits. The following is a breakdown of the individual lots:

**102-39-011K (Applicant’s Property):**

- No permit history

**102-39-011N:**

- Existing house, no permits on file

**102-39-011L**

- House built ~1959
- Demo 2013

**102-39-011H**

- No permit history

**102-39-011J/D**

- Existing house, permits on file include gas line and furnace room.

**102-39-011C**

- Manufactured home, 1985

**102-39-011I**

- Existing house, only fence permit on file

**102-39-011G/E**

- Septic permits on file, stem walls left abandoned on lots

**102-39-011F**

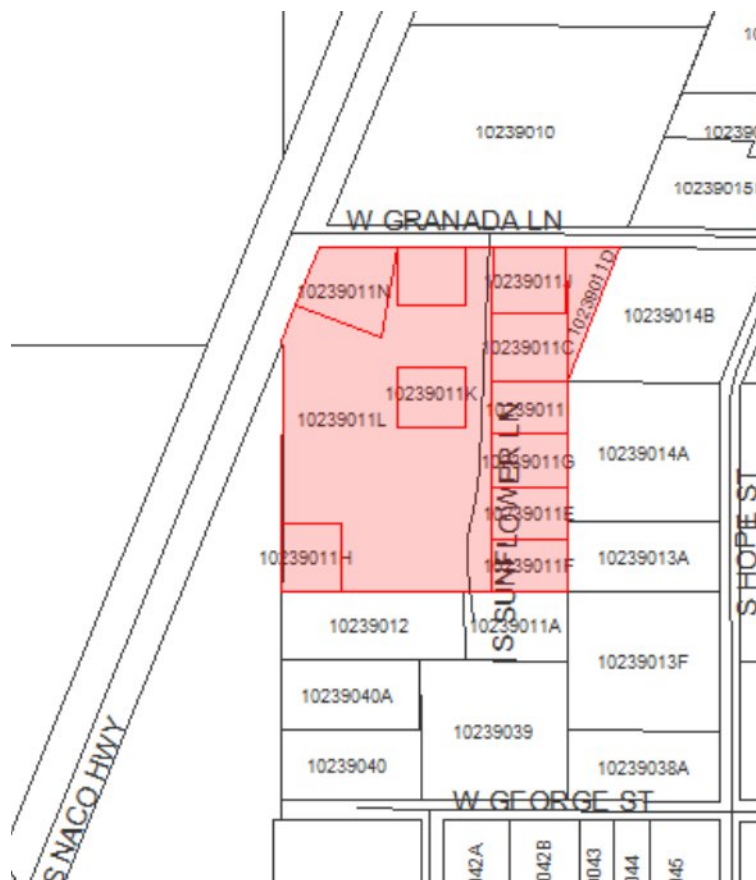
- No permit history

**III. NATURE OF REQUEST**

The Applicant is requesting to rezone an approximately 9,000 square foot lot from R-18 (Residential, one dwelling per 18,000 square feet) to R-9 (Residential, one dwelling per 9,000 square feet). In addition, Cochise County Development Services is requesting to extend this rezoning to include ten (10) additional parcels for a total of approximately 5.26 acres. The request is to make Mr. Contreras lot buildable and help existing sub-standard lots, several with residences more conforming.

Mr. Paul Contreras purchased lot 102-39-011K approximately 10 years ago with the intention of constructing a single family home in the future. When he approached the county earlier this year he was told that the lot was too small to construct a home. The only way that the County could issue a permit for the parcel would be if the zoning was changed to R-9, which allows lots of 9,000 square feet. After the Applicant submitted his application Staff started looking at the neighborhood. There are 9 lots that do not comply with the current zoning requiring 18,000 square feet. The rezoning to 9,000 square feet will still not help every lot but it will bring them closer to compliance than they are today. Perhaps, working together the individual land owners could adjust lot lines in the future to have conforming lots. Several of the lots were split prior to 1975 and are thereby "Grandfathered".

Other than maximum density, and a reduction in setbacks (20 feet to 10 feet) no other site development standards change from R-18 to R-9. 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



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

The proposed rezoning would not affect the development prospects of any neighboring property. The rezoning is primarily surrounded by developed properties.

**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 largely 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.

**6. Rezoning to More Intense Districts: Does not fully comply**

While small, isolated rezonings to more intense districts are generally discouraged, the fact that five of the eleven parcels are currently are developed, and the surrounding area is largely developed impacts will be reduced to all but an 2.5-acre adjacent property. This property owner has stated he is opposition to the rezoning because he believed the Applicant's property would be vacant due to the zoning (a copy of the letter is attached).

**7. Adequate Services and Infrastructure: Complies**

The site is currently undeveloped however water and power are available to the site. There is no sewer system, so a septic system will be required. Sunflower is a 40 foot easement per DK361-381.

**8. Traffic Circulation Criteria: Complies**

Should the larger 2.5-acre parcel decide to subdivide a total of eleven lots could be created based on square footage. Due to the existing lot configurations and access it is unlikely that eleven lots could be created. However, using that number as total of 25 to 32 additional trips may be generated. Some improvements to Sunflower Lane may be warranted, should that number be reached in the future.

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

The rezoning is located near the Corner of Naco Highway and Granada Lane (County Collector, 30 foot dedication). However, Sunflower Lane, a dedicated easement (40 feet in width) provides access to several existing residential homes and lots including the Applicant's parcel. The Counties right-of-way department has stated no additional right-of-way is required at this time.

**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: Not applicable

The property is not within the Sierra Vista Sub-watershed.

## 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 September 10, 2018. Staff posted the property on October 10, 2018 and published a legal notice in the *San Pedro Valley Sun-News* on October 24, 2018. The applicant received one letter in support and one in opposition.

## 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 one written response in support and one written response in opposition. Please find all correspondence received by Staff and the Applicant attached.

## VI. 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.

## VII. SUMMARY AND CONCLUSION

The Applicant is requesting the Commission permission to rezone his lot to allow the construction of a single family home. Cochise County Development Services is requesting to extend that rezoning to include a total of 11 parcels and 5.26 acres. The request is rezoning from R-18 (Residential, one dwelling per 18,000 square feet) to R-9 (Residential, one dwelling per 9,000 square feet). Today, the applicant is unable to build a home on his property.

### **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. Two letters of support have been received.

### **Factors Against Approval**

1. Should the vacant parcel be developed, minor increases in traffic might be seen and improvements might be needed on Sunflower Lane.
2. One letter of opposition has been received.

## VIII. RECOMMENDATION



Based on the factors in favor of approval, Staff recommends forwarding the docket to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions:

1. The property owner 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 property owners' 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.

Sample Motion: *Mr. Chairman, I move to forward Docket Z-18-09 to the Board of Supervisors with a recommendation of Approval, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*