



**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-18-10 (Dattellas)  
**DATE:** November 30, 2018 for the December 12, 2018 Meeting

**APPLICATION FOR A REZONING**

The Applicant 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 facilitate a five-way split rather than a three-way split. The subject parcel is 2.76 acres in size.

The subject parcel, APN 107-20-009, is located at 712 N. Schraeder Road in Sierra Vista. The Applicant is Charles Dattellas.

**I. PLANNING & ZONING RECOMMENDATION**

On Wednesday, October 9, 2018, the Planning and Zoning Commission voted 7-0 to forward this Docket to the Board of Supervisors with a recommendation of approval.

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

Parcel Size: 2.76 acres  
 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: A – Urban Growth Area  
 Plan Designation: Neighborhood Conservation  
 Area Plan: None  
 Existing Uses: None  
 Proposed Uses: Single Family Residential

**Zoning/Use of Surrounding Properties**

<b>Relation to Subject Parcel</b>	<b>Zoning District</b>	<b>Use of Property</b>
North	R-36	Single Family Residential
South	R-18	Single Family Residential
East	R-18	Single Family Residential
West	SFR-36 (City)	Vacant State Land

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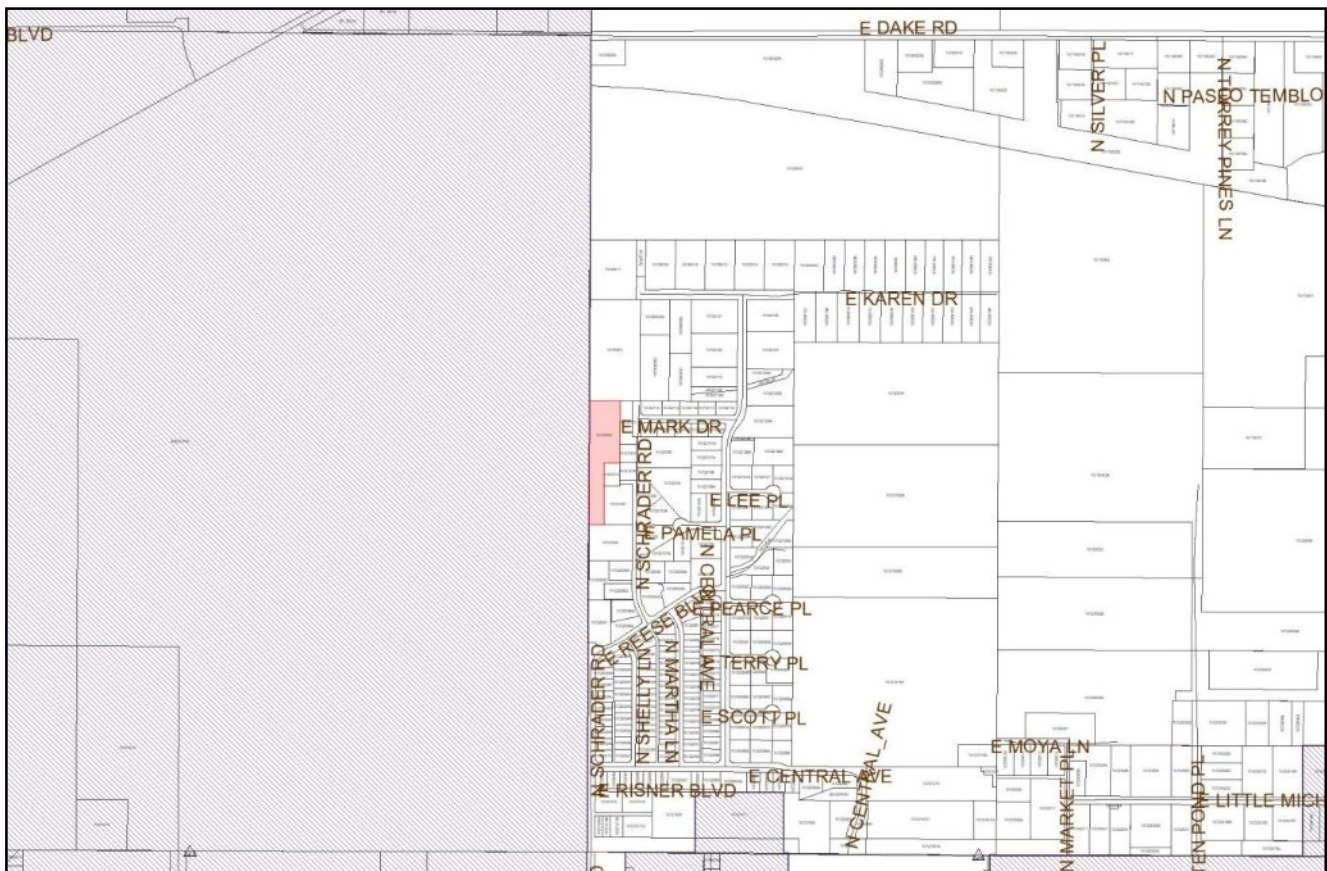
**III. PARCEL HISTORY**

2011 – Permit to demolished burned structures

**IV. NATURE OF REQUEST**

The Applicant is requesting to amend the zoning of his ten-acre parcel from R-36 to R-18. This will permit the owner to create up to five parcels rather than three.

The site is surrounded on the east and south by parcels of 9,000 to 60,000 square feet, to the north by parcels of one to four acres, and to the west by a 472-acre parcel of state trust land. The existing access will continue to serve the site, providing access to the additional home sites.



**Location Map**



**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 "A" Urban Growth Area and is considered a "Neighborhood Conservation" area per the Comprehensive Plan. R-18 zoning is permitted in the Category "DA" "Neighborhood Conservation" areas, therefore this request to rezone to RU-4 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. Nine of the criteria are applicable to this request, and all of the nine applicable factors are met.

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

The Applicant intends to Develop up to five homesites, whether individual parcels or on one overall parcels. Either use will be reviewed at permitting of individual structures.

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

All site development standards will be reviewed and enforced at permitting.

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

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

**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**

There is precedent for the zoning and parcel sizes to the east and south. The open state land to the east is unaffected by adding up to two additional lots.

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

As noted above, the proposed zoning is found in the adjacent area, and the addition of up to two additional lots will have negligible impacts.

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

The parcel and the existing road network all support the necessary infrastructure to develop the parcel under the guidelines for the R-18 zoning designation.

**8. Traffic Circulation Criteria: Complies with conditions**

This rezoning request will not alter the layout or function of the existing roadway network, and the creation of two additional lots beyond what is currently permitted will have negligible impacts. If the parcels are split, a hard surface apron and approach onto Schraeder Road will be required, becoming a new private road.

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

This parcel does not take access off a Major roadway.

**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**

As this request is for a downzoning, this factor does not apply.

**12. Water Conservation: Complies**

All applicable water conservation measures will be applied at the permitting stage.

**13. Public Input: Complies**

Staff posted the property, published notice in the San Pedro Valley Sun-Times, and sent letters to property owners within 300 feet of the site. In response, Staff received one letter of support, from the property owner directly adjacent to the south.

**14. Hazardous Materials: Not Applicable**

No hazardous materials are proposed.

**15. Compliance with Area Plan: Complies**

The subject property lies within a Category "A"– Urban Growth Area and is considered a "Neighborhood Conservation" area per the Comprehensive Plan. This designation is intended to protect existing developed residential areas. This request will continue the existing pattern of development.

**VI. PUBLIC COMMENT**

In response to County mailings, the Planning Department has received one response in support, which is included in the packet.

**VII. SUMMARY AND CONCLUSION**

The request is for a rezoning, from R-36 (Residential; one dwelling per 36,000 square feet), to R-18 (Residential; one dwelling per 18,000 square feet), on a 2.76-acre parcel located on N. Schraeder Road north of Highway 90 east of incorporated Sierra Vista. At this time, the area is characterized by existing residential development of a similar scale. The Comprehensive Plan designates the site as Neighborhood Conservation. A rezoning to the R-18 district would fit with the existing pattern of the residential neighborhood and is therefore in line with the Plan.

**Factors in Favor of Approval**

1. Allowing the request would be in keeping with the character of the existing development in the area;
2. The Comprehensive Plan policies prescribe protecting the existing residential development, which this request complies with; and
3. One letter of support has been received.

**Factors Against Approval**

None

**VIII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from R-36 (Residential; one dwelling per 36,000 square feet) to R-18 (Residential; one dwelling per 18,000 square feet), on a 2.76-acre parcel located on N. Schraeder Road north of Highway 90 east of incorporated Sierra Vista 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; and
2. It is the Applicant's 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. If the parcel is split, then the existing driveway must be developed into a private road meeting the County'