



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-18-11 (Fischer)
DATE: November 30, 2018 for the October 10, 2018 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from NB (Neighborhood Business) to MH-72 (Multiple Household Residential; one dwelling per 7,200 square feet). The request is to match the existing MH-72 zoning on the majority of the parcel and the rest of the neighborhood. The subject parcel is 30,020 square feet (0.69 acres) in size.

The subject parcel, APN 106-04-044A, is located at 2441 N. Calle Vista in Whetstone. It is further described as being situated in Section 12 of Township 20 South, Range 19 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Dianna Fischer.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 0.69 acres
 Current Zoning: NB (Neighborhood Business) & MH-72 (Multiple Household Residential; one dwelling per 7,200 square feet)
 Proposed Zoning: MH-72 (Multiple Household Residential; one dwelling per 7,200 square feet)
 Growth Area: B – Community Growth Area
 Plan Designation: Neighborhood Conservation
 Area Plan: None
 Existing Uses: Single Family Residential
 Proposed Uses: Single Family Residential with additional Mobile Home

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	MH-72	High Density Residential
South	MH-72	High Density Residential
East	State Highway /GB	Highway 90/High Density Residential
West	R-36	High Density Residential

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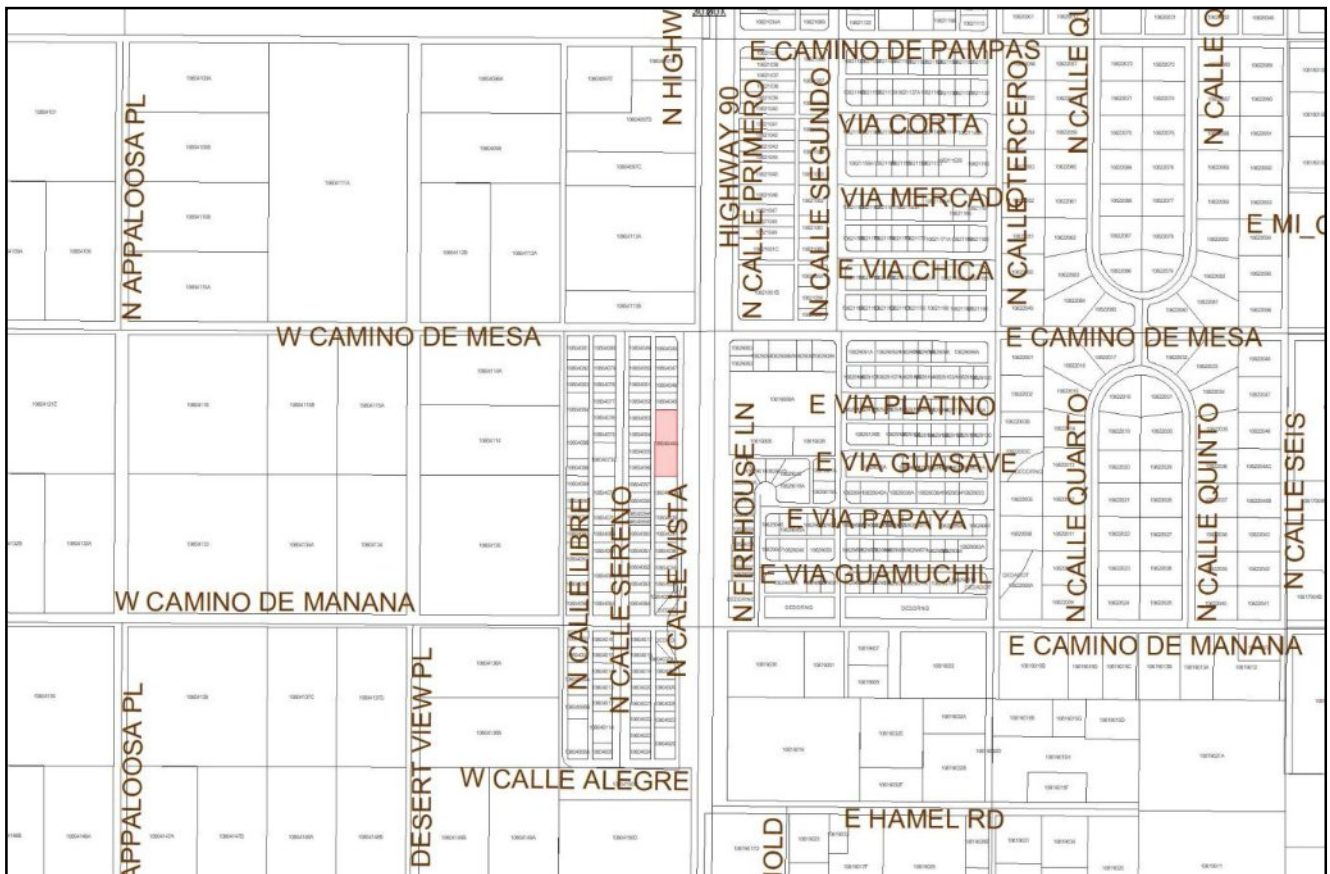
II. PARCEL HISTORY

1974 – SFR and Storage Building built

2018 – Mobile Home placed on property

III. NATURE OF REQUEST

The Applicant is requesting to amend the zoning of a portion of her 0.69-acre parcel from NB to MH-72. This will permit the installation of a Rehabilitated Mobile Home. The parcel, 106-04-044A is the combination of four parcels, -041, -042, -043, & -044. Parcels -041 & -042 were rezoned from MH-72 to NB through Docket Z-88-03 and parcel -043 was rezoned from MH-72 to NB through Docket Z-88-06. Staff has no indication that Commercial Uses were ever established on the property, and the applicant wished to eliminate the commercial zoning. If approved, it will bring the zoning into compliance with the Comprehensive Plan and the physical development in the area.



Location Map



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. MH-72 zoning is permitted in the Category "B," "Neighborhood Conservation" areas and is the default zoning for the majority of the County, therefore this request to rezone to MH-72 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 continue to use the parcel for their personal, residential use. The proposal is intended to facilitate the installation of a Rehabilitated Mobile Home, but the parcel would be eligible for the full range of allowed Principal, Accessory, and Special Uses per Article 10 of the Zoning Regulations.

2. Compliance with Applicable Site Development Standards: Complies

The site currently does and will continue to comply with all site development standards.

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 MH-72 zoning on three sides, with the fourth side separated by the state highway. The proposed zoning is more appropriate for the area.

6. Rezoning to More Intense Districts: Not Applicable

As indicated, this request is for a downzoning, which in this case would eliminate commercial zoning in a residential area.

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 MH-72 zoning designation.

8. Traffic Circulation Criteria: Complies

This rezoning request will not alter the layout or function of the existing roadway network and will not require right-of-way dedication or off-site improvements. Rezoning from NB to MH-72 would eliminate commercial uses, with a corresponding decrease in potential traffic.

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

As this proposed downzoning would reduce permitted maximum density, potential water usage could decrease.

13. Public Input: Complies

As a downzoning, the Applicant was not required to complete a Citizen Review. Staff mailed notices to neighboring property owners within 1,000feet of the subject property, posted the property, and published a legal notice in the *San Pedro Valley Sun News*. Four responses in support were received, along with two in opposition. The two letters in opposition protested the County removing rights from the property owner.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Complies

The subject property lies within a Category "B"– Community Growth Area and is considered a "Neighborhood Conservation" area per the Comprehensive Plan. This designation is intended to protect existing neighborhoods from commercial development. This request would comply by eliminating commercial zoning.

V. PUBLIC COMMENT

In response to County mailings, the Planning Department has received two responses in support and two in opposition, which are included in the packet.

VI. SUMMARY AND CONCLUSION

The request is for a downzoning, from NB (Neighborhood Business to MH-72 (Multiple Household Residential; one dwelling per 7,200 square feet) on a 0.69-acre parcel located at 2441 N. Calle Vista in Whetstone. The area is characterized by high density residential development and the Comprehensive Plan designates the site as Neighborhood Conservation. This designation constitutes a recommendation on the part of the Plan for a rezoning to a lower-density zoning district, providing a major Factor in Favor of Approval. A rezoning to the MH-72 district would therefore reflect the policies of the Plan and would better reflect the existing character of the surrounding neighborhood.

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 residential development in this area to protect the current character of the neighborhood, and the request would facilitate such development; and
3. Four letters of support have been received.

Factors Against Approval

1. Two letters in opposition have been received, expressing opposition to removing the owner's rights to commercial development.

VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from NB (Neighborhood Conservation) to MH-72 (Multiple Household Residential; one dwelling per 7,200 square feet) on a 0.69-acre parcel located at 2441 N. Calle 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.