



**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:** Peter Gardner, Planner II  
**FOR:** Daniel Coxworth, AICP, Development Services Director  
**SUBJECT:** Docket Z-19-01 & CP-19-01 (Skalak)  
**DATE:** April 30, 2019 for the May 8, 2019 Meeting

**APPLICATION FOR A COMPREHENSIVE PLAN AMENDMENT & REZONING**

The Applicant is requesting a rezoning from SR-12 (Single Family Residential; one dwelling per 12,000 square feet) and GB (General Business) to SR-12 (Single Family Residential; one dwelling per 12,000 square feet) and MR-1 (Multiple Household Residential; one dwelling per 3,600 square feet). The request is to replace the General Business Zoning with the Multiple Housing Residential. The Single-Family portion between the existing GB and E. Blue Bird Drive will also be amended to MR-1. A portion of the property is currently designated as Enterprise under the Comprehensive Plan. The request also re-designates the entire site as Neighborhood Conservation to permit the residential zoning. The subject parcels total 7.58 acres (330,472.25 square feet) in size. The subject parcels, APN 105-05-010A & -010B, are located on the southeast corner of S. Avenida Escuela and E. Blue Bird Drive in unincorporated Sierra Vista. The Applicant is William Skalak.

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

Parcel Size:	7.58 acres (330,185 sq. ft.)
Current Zoning:	SR-12 (Single Family Residential; one dwelling per 12,000 square feet) & GB (General Business)
Proposed Zoning:	SR-12 (Single Family Residential; one dwelling per 12,000 square feet) & MR-1 (Multiple Household Residential; one dwelling per 3,600 square feet).
Growth Area:	A – Urban Growth Area
Current Plan Designation:	Neighborhood Conservation/Enterprise
Proposed Plan Designation:	Neighborhood Conservation
Area Plan:	None
Existing Uses:	Single Family Residence
Proposed Uses:	Same

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**Zoning/Use of Surrounding Properties**

<b>Relation to Subject Parcel</b>	<b>Zoning District</b>	<b>Use of Property</b>
North	County Maintained Road/SFR-6 (City)	E. Blue Bird Drive/High Density Single Family Residential
South	SR-12	High Density Single Family /Multi Family Residential
East	GB	Mixed Commercial
West	City Maintained Road/SFR-6 (City)	Avenida Cochise/ High Density Single Family Residential

**II. PARCEL HISTORY**

- 1980 – Permit for Single Family Residence and Septic
- 1993 – Permit for Manufactured Home and Septic
- 1996 – Permit for Manufactured Home
- 2019 – Permit to remodel existing Single-Family Residence

**III. NATURE OF REQUEST**

The Applicant is requesting to amend the zoning of his 7.58-acre two parcel site within a County enclave in Sierra Vista. The site is currently a mixture of Single Household Residential and General Business. The request would change the General Business portion and an adjoining strip of Single Household Residential along the street to Multi Household Residential. The majority of the Single Household Residential will remain.

The area surrounding the site is a mixture of residential and commercial uses. Within City limits to the west and north, it is single family residences on lots of 7,800 to 9,200 square feet.

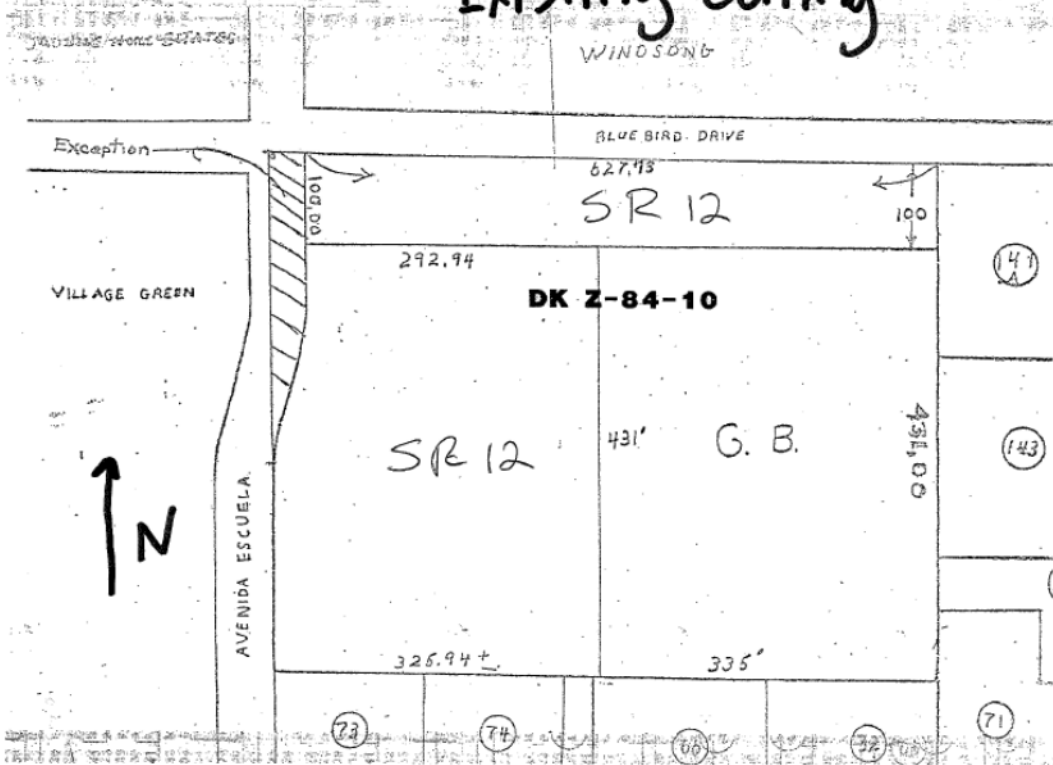
***Comprehensive Plan Amendment***

The Applicant has requested rezoning the General Business section and a small portion of the Single Household section to Multi Family Residential. However, in order to obtain the MR-1 rezoning, an amendment to the Cochise County Comprehensive Plan (Plan) must first be approved to change the Enterprise (ENT) designation to Neighborhood Conservation (NC) designation, as only Commercial and Industrial zoning districts are permitted in the ENT Plan areas. The subject parcel is not covered by an adopted area plan. This request constitutes a *minor* Comprehensive Plan Amendment.

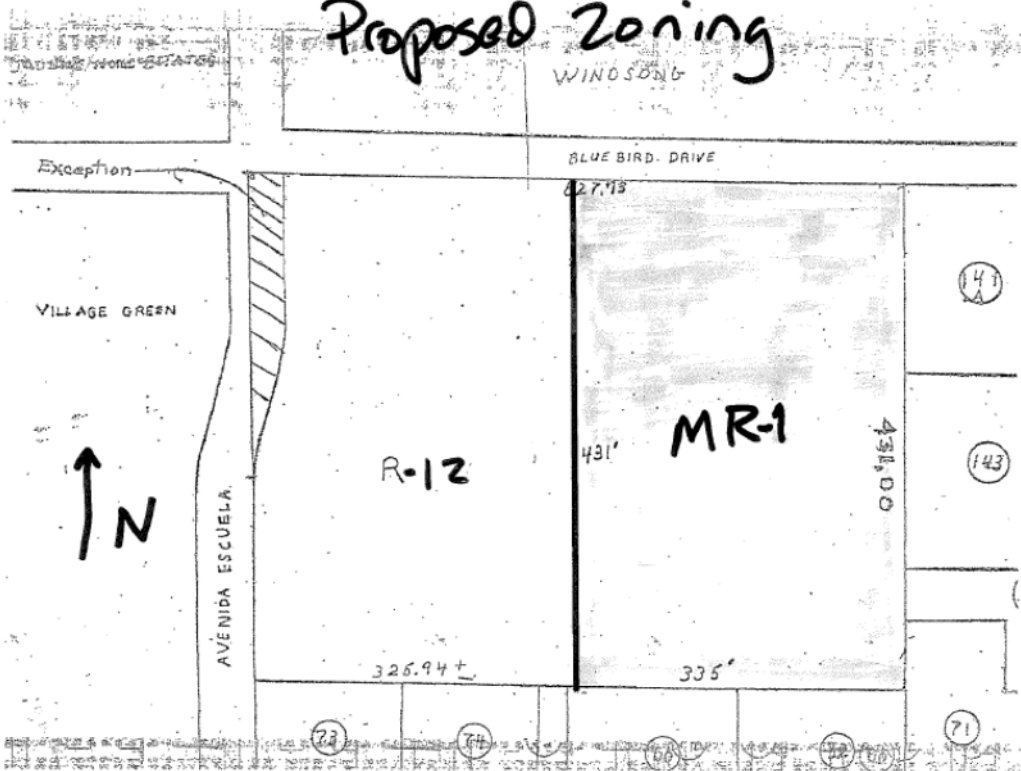
Plan Designations represent the broad parameters for delineated land use in the Comprehensive Plan. The Plan indicates that the creation of new zoning districts must be consistent with the character and intent of the Plan Designation or Growth Area in which the site is located.

The Comprehensive Plan Growth Area Categories and Designations are designed to provide a measure of protection to the existing character of an area. Section 302 of the Plan indicates that it may be occasionally amended; however, an amendment must be justified by citing specific examples of existing or future growth patterns that do not support continuing the pattern implied by the existing Area Category or Designation.

# Existing Zoning

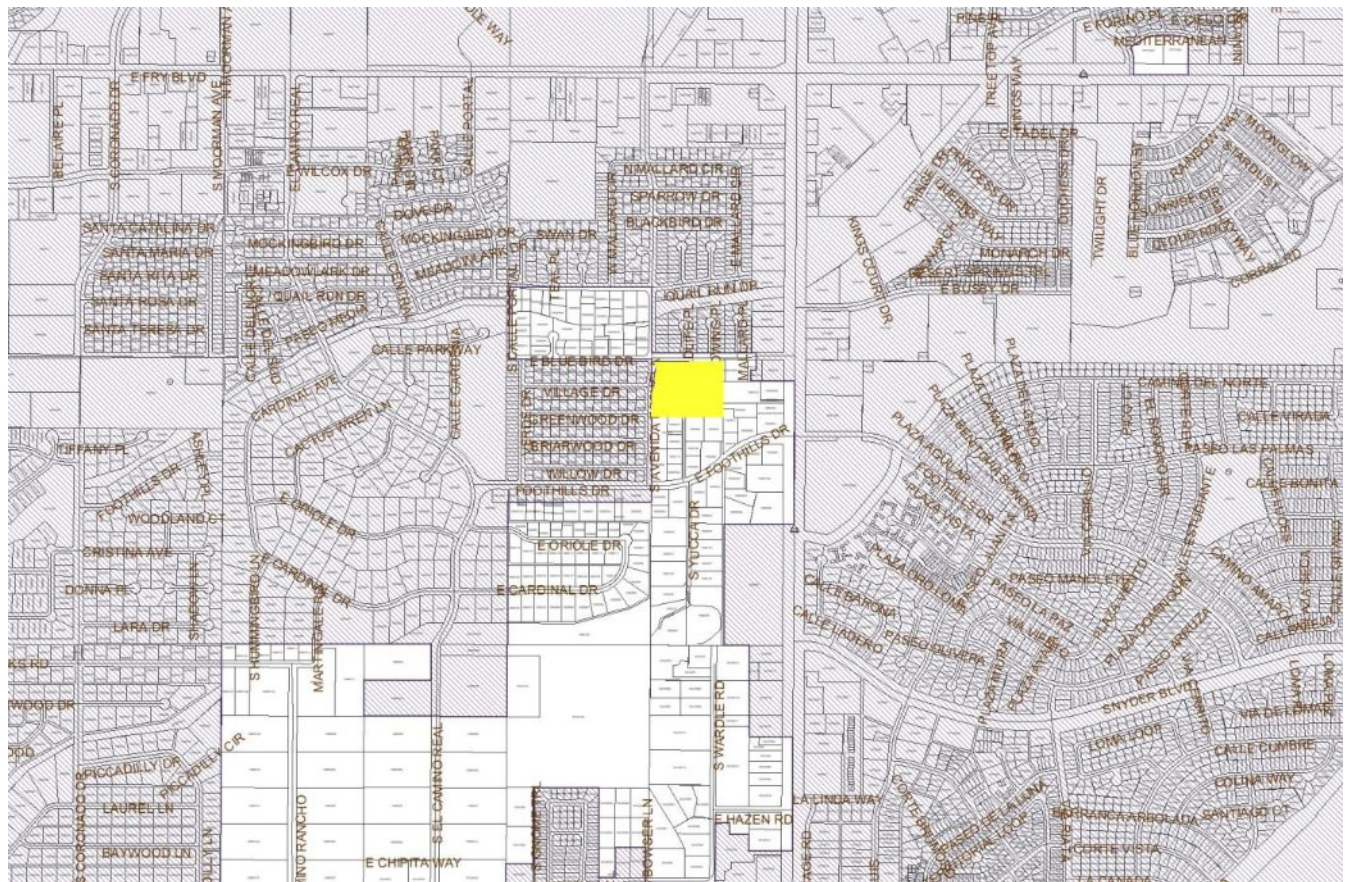


# Proposed Zoning



The subject parcel is designated Neighborhood Conservation (NC) and Enterprise (ENT); the former designation is a reflection of the overall residential character of the surrounding area and is intended to provide a measure of protection from proliferating non-residential (commercial) uses while the latter is intended for areas of established non-residential uses. No portion of the site is currently being used for non-residential purposes, and the Applicant’s proposal would establish a buffer between the existing commercial uses and the SR zoning to the west.

The subject area lies within a Category A Growth Area, described by the Plan as having an urban pattern of development and infrastructure, with the possibility of future annexation. The request would not alter that, only altering the nature of the site from commercial to residential uses. It would also create a buffer between the commercial and single household zoning districts.



Location Map

**IV. ANALYSIS OF REZONING 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” Community Growth Area and is currently considered an “Enterprise” area per the Comprehensive Plan. MR-1 zoning is not permitted in the Category “A,” “Enterprise” areas, therefore this request to rezone to MR-1 only complies with the Comprehensive Plan as detailed below if the requested amendment to the “Neighborhood Conservation” designation is approved.

**Compliance with Rezoning Criteria**

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Thirteen of the criteria are applicable to this request. Nine of the factors are met as submitted and the other four are met with conditions and modifications.



*Looking northeast at the site, showing the existing home*

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

The Applicant intends to list the property for sale as a residential site. Based on the urban nature of the site, Staff recommends that a condition requiring any development at a density higher than the SR-12 designation be done through an approved subdivision.

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

As noted above, all applicable site development standards may be met. Setbacks will be increased on the east side from five feet to 7.5 feet; however, the site is large enough to accommodate this increase. Similarly, on the northeastern portion of the property where the zoning would change from SR-12 to MR-1 the setback would decrease from ten feet to 7.5 feet. This property line abuts E. Blue Bird Drive and therefore has no significant offsite impacts.

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

The proposal would not unduly affect the development prospects of any neighboring properties. The GB parcels to the east will have the setback increased from five feet to 40 feet, however the parcels are all currently developed. No current buildings will be impacted and will have permanent legal non-conforming status from the setbacks.

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

This factor pertains to creating non-conforming uses on the site to be rezoned. There are no uses on the section proposed under the request, so no non-conforming uses will be created.

**5. Compatibility with Existing Development: Complies**

The site will abut existing commercial and residential zonings and uses. The high-density residential zoning will serve as a logical buffer between the existing commercial and single household zoning districts.

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

The majority of the request will be to a less intense district by replacing the General Business with a Multiple Household Residential. Along E. Blue Bird Drive the replacement of the Single Household Residential with Multiple Household Residential bears a logical relationship to the surrounding districts, serving as a buffer between commercial and Single-Family districts.

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

The site has existing electric, gas, water, and emergency service. If the Applicant or future owner wished to connect to Sierra Vista sewer service, a pre-annexation letter will be required from the City.

All roadways can support any potential increase in traffic from development. The General Business zoning permits a wide range of commercial uses, as well as residential uses at the same density as the proposed MR-1 zoning, meaning that the request is likely to lower the maximum potential traffic on the site.

**8. Traffic Circulation Criteria: Complies**

As noted above, adequate road infrastructure exists, and the rezoning away from General Business removes the potential for commercial traffic on an otherwise residential roadway.

**9. Development Along Major Streets: Complies with Conditions**

All access points will be required to comply with applicable County or City regulations.

**10. Infill: Does Not Apply**

This factor applies to rezonings to Commercial or Industrial Zoning Districts.

**11. Unique Topographic Features: Complies**

There are no applicable features to be protected.

**12. Water Conservation: Complies with Conditions**

All development will be required to comply with applicable water conservation measures.

**13. Public Input: Complies**

The Applicant completed a Citizen Review and received no response. Staff mailed notices to neighboring property owners within 300 ft. of the subject property posted the site and published legal notices. In response to an earlier proposal to rezone the entire parcel to MR-1 Staff received two responses in opposition. The opposition cited density and potential building heights. The potential construction of multi-story apartments was seen as a negative. Staff repeated the notification process with the more limited proposal and received no response.

**14. Hazardous Materials: Not Applicable**

No hazardous materials are proposed.



*Existing access from Avenida Escuela*



*Looking east on E. Blue Bird Drive.*



*The site*

### **15. Compliance with Comprehensive Plan: Complies with Conditions**

If the proposed amendment to the Comprehensive Plan to re-designate the entire site as Neighborhood Conservation rather than a mixture of Neighborhood Conservation and Enterprise is approved, then the rezoning request complies.

### **V. PUBLIC COMMENT**

In response to County mailings, the Planning Department has received two responses in opposition to the previous request and none to this more limited request.

### **VI. SUMMARY AND CONCLUSION**

The request is for a rezoning from SR-12 (Single Family Residential; one dwelling per 12,000 square feet) and GB (General Business) to SR-12 (Single Family Residential; one dwelling per 12,000 square feet) and MR-1 (Multiple Household Residential; one dwelling per 3,600 square feet). The request is to replace the General Business Zoning and a portion of the Single Family Residential with the Multiple Housing Residential. A portion of the property is currently designated as Enterprise under the Comprehensive Plan. The request also re-designates the entire site as Neighborhood Conservation to permit the residential zoning.

**Factors in Favor of Approval**

1. Allowing the request would be in keeping with the character of the existing development in the area;
2. Nine of the applicable factors are met as submitted and the other four applicable factors are met with the recommended Conditions

**Factors Against Approval**

1. Two letters of opposition have been received

**VII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from a from SR-12 (Single Family Residential; one dwelling per 12,000 square feet) and GB (General Business) to SR-12 (Single Family Residential; one dwelling per 12,000 square feet) and MR-1 (Multiple Household Residential; one dwelling per 3,600 square feet). The request is to replace the General Business Zoning and a portion of the SR zoning between the GB and E. Blue Bird Drive with the Multiple Housing Residential. The request also re-designates the entire site as Neighborhood Conservation to permit the residential zoning.to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions and Modifications:

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. Any single family development at a greater density than one unit per 12,000 shall be completed with an approved subdivision plat;
4. Any new driveway access shall follow all applicable City and/or County standards; and
5. All development will comply with County water conservation regulations adopted at the time of construction.

**VIII. ATTACHMENTS**

- A. Application
- B. Location Map
- C. Public Comment