



Cochise County
Community Development
Planning, Zoning and Building Safety Division

Public Programs...Personal Service
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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Robert Kirschmann, Planner II
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket Z-19-04 (Womack)
DATE: May 22, 2019 for the June 12, 2019 Meeting

APPLICATION FOR A REZONING

The Applicants are requesting a rezoning (down zoning) from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per four acres). The parcel is 40 acres.

The subject parcel, APN 123-25-007B is located at 1350 E. Barney Lane in Benson. It is further described as being situated in Section 11 of Township 17 South, Range 20 East of the G&SRB&M, in Cochise County, Arizona. The Applicants are Lavon and Rebecca Womack.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 40 acres
 Current Zoning: R-36 (Residential; one dwelling per 36,000 square feet)
 Proposed Zoning: RU-4 (Rural; one dwelling per 4 acres)
 Growth Area: D – Rural Area
 Plan Designation: Rural
 Area Plan: None
 Existing Uses: Few scattered, abandoned structures
 Proposed Uses: Single Family Residential

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Vacant
South	GB	Vacant/Single family homes
East	RU-4	Scattered Rural Residential/storage
West	R-36	Vacant

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

II. PARCEL HISTORY

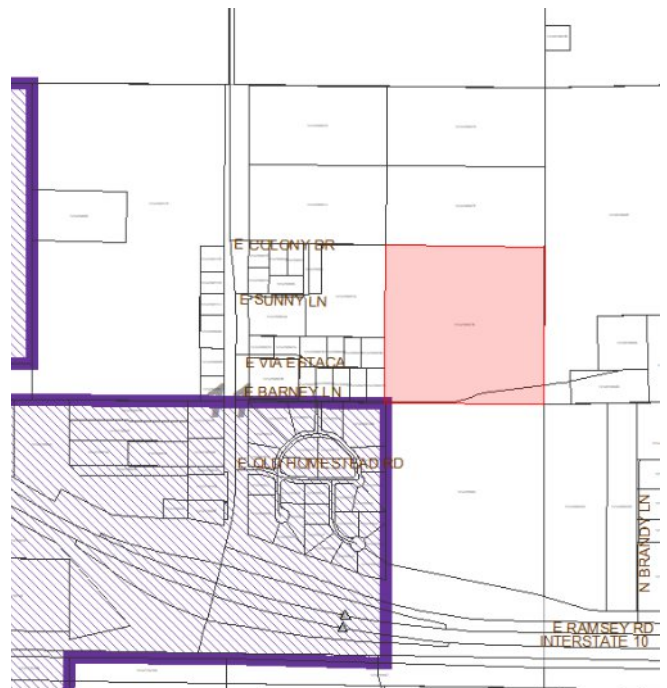
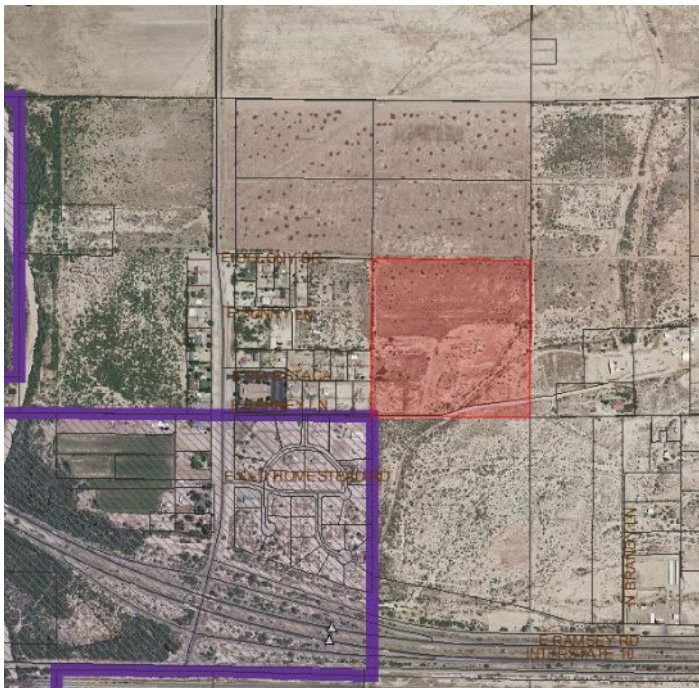
None

III. NATURE OF REQUEST

The Applicants are requesting to amend the zoning of their parcels from R-36 to RU-4. This will preserve the open space and permit the use of the Owner-Builder Opt Out Amendment to the Cochise County Building Code.

The area is largely vacant and scattered single family homes. There are scattered residential uses to the west, with most homes on parcels larger than the required 36,000 square feet. The parcel is somewhat in a transition zone between quasi urban and rural. To the south is a large parcel zoned General Business and a Comprehensive Plan Designation of B-Developing. The southwest corner of the parcel touches Benson city limits and an existing large lot subdivision. To the north of the lot is larger mixed agricultural/ranching parcels zoned RU-4 with a Comprehensive Plan designation of D-Rural.

A done zoning will not have any negative impacts on the surrounding properties, however it may have an impact in the future should the Benson area experience growth pressures in this area.



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 “D” Rural Area and is considered a “Rural” area per the Comprehensive Plan. RU-4 zoning is permitted in the Category “D,” “Rural” areas and is the default zoning for the majority of the County, 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 Applicants intend to continue to use the parcels for their personal, residential use. The proposal is intended to facilitate standard, rural home site development, but the parcel would be eligible for the full range of allowed Principal, Accessory, and Special Uses per Article 6 of the Zoning Regulations.

2. Compliance with Applicable Site Development Standards: Complies

As noted above, the 40-acre site has a few scattered and abandoned structures but is otherwise undeveloped. Downzoning to RU-4 would not negatively impact the ability of the parcels to be developed. The only site development standard that would become more stringent is the maximum density. The Applicant is aware of this, and has no plans to exceed the RU-4 density.



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

The parcel is located in a transition area. The down zone to larger lots will be compatible with surrounding development, and provides for a transition north as you move away from the interstate.



6. Rezoning to More Intense Districts: Not Applicable

As indicated, this request is for a downzoning, which in this case would reduce the permitted density by a factor of more than four.

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 RU-4 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 R-36 to RU-4 would decrease the permitted density, with a corresponding decrease in potential traffic.

9. Development Along Major Streets: Not Applicable

This parcel does not take access off a Major roadway and is not served by roads within the County Maintenance system.

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 one mile of the subject property on May 10, 2019. Staff posted the property on May 22, 2019 and published a legal notice in the *Herald/Review* May 22, 2019. Two responses in support was received.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Complies

The subject property lies within a Category "D"— Rural Area and is considered a "Rural" area per the Comprehensive Plan. This designation is intended to create neighborhoods with lots of two-acres or more. This request would comply by creating a minimum lot size of four-acres per dwelling.

V. PUBLIC COMMENT

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

VI. SUMMARY AND CONCLUSION

The request is for a downzoning, from R-36 (Residential; one dwelling per 36,000 square feet), to RU-4 (Rural; one dwelling per four acres) on a 40-acre site located at 1350 E. Barney Lane in Benson. At this time, the area is characterized by open expanses, scattered residential development and agriculture. The Comprehensive Plan designates the site as Rural.

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 a low density of residential development in this area to protect the current



character of the neighborhood, and the request would facilitate such a density; and

3. Two letters of support has been received.

Factors Against Approval

The area is adjacent to commercially designated property, in a Category B (Developing Area) near Interstate 10. The down zoning could restrict potential growth in the future.

VII. 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 RU-4 (Rural; one dwelling per four acres) on a 40-acre parcel located 1350 E. Barney Lane in Benson 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.