



# Cochise County Development Services

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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-20-01 (Longnecker)  
**DATE:** February 26, 2020 for the March 11, 2020 Meeting

## APPLICATION FOR A REZONING

The Applicants are requesting a rezoning (down zoning) from SR-43 (Single-Household Residential; one dwelling per 43,000 square feet) to RU-4 (Rural; one dwelling per four acres). The parcels total 11.07 acres.

The subject parcels, APNs 117-06-231A and 237A are located at South Desert Road, north and south of the King Street. It is further described as being situated in Section 33 of Township 17 South, Range 24 East of the G&SRB&M, in Cochise County, Arizona. The Applicants are Jonathan and Ashley Longnecker.

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

Parcel Size: 11.07 acres  
Current Zoning: SR-43 (Single-Household Residential; one dwelling per 43,000 square feet)  
Proposed Zoning: RU-4 (Rural; one dwelling per 4 acres)  
Growth Area: D – Rural Areas  
Plan Designation: Medium Density Residential  
Area Plan: Mid Sulphur Springs Valley Area Plan  
Existing Uses: Vacant property  
Proposed Uses: Single Family Residential

### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-43	Vacant land
South	SR43 and RU-4	Vacant land
East	SR-43	Single Rural Residence/vacant land
West	SR-43	Single Rural Residence/vacant land

#### **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

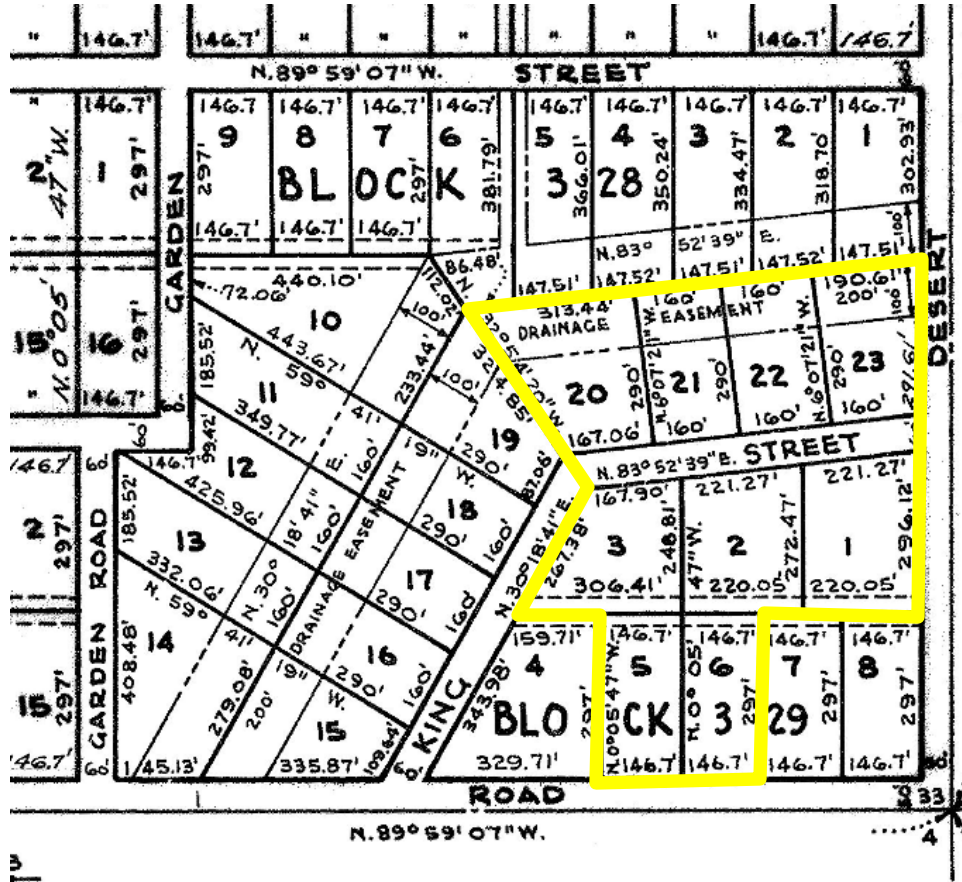
**III. NATURE OF REQUEST**

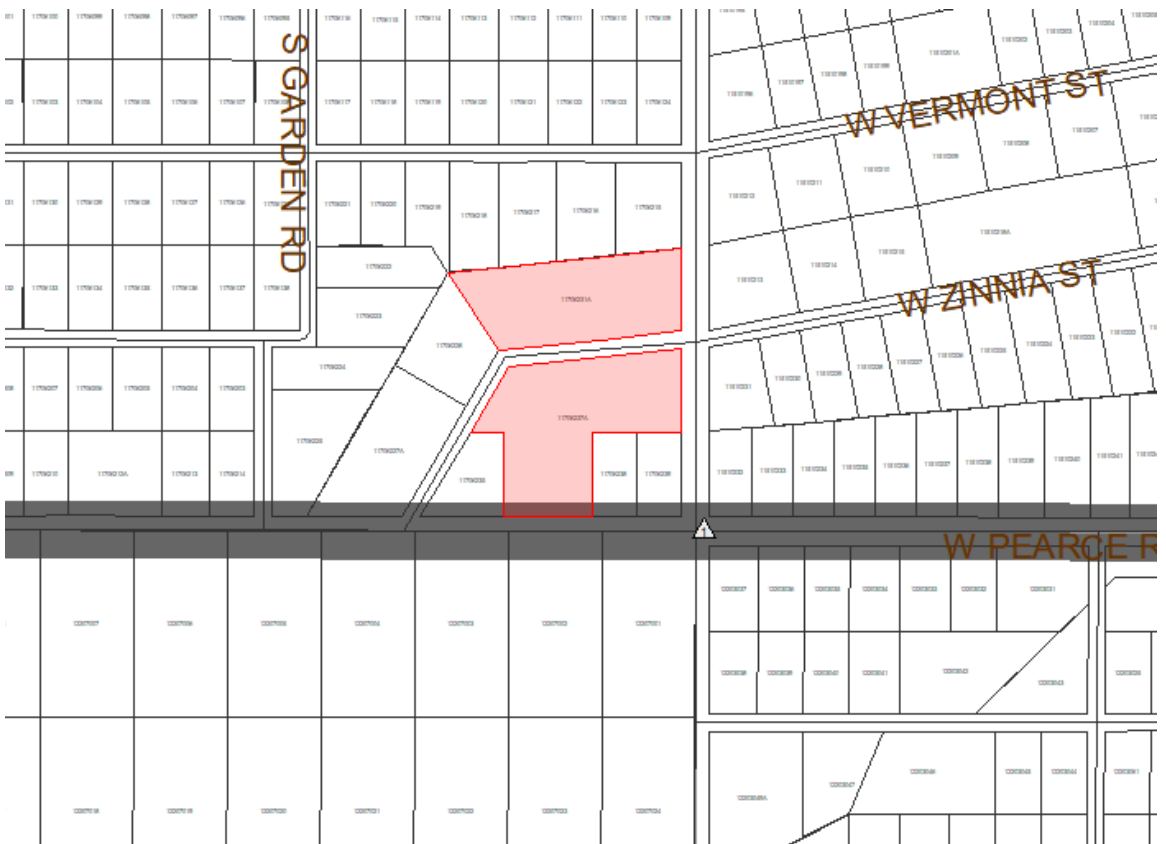
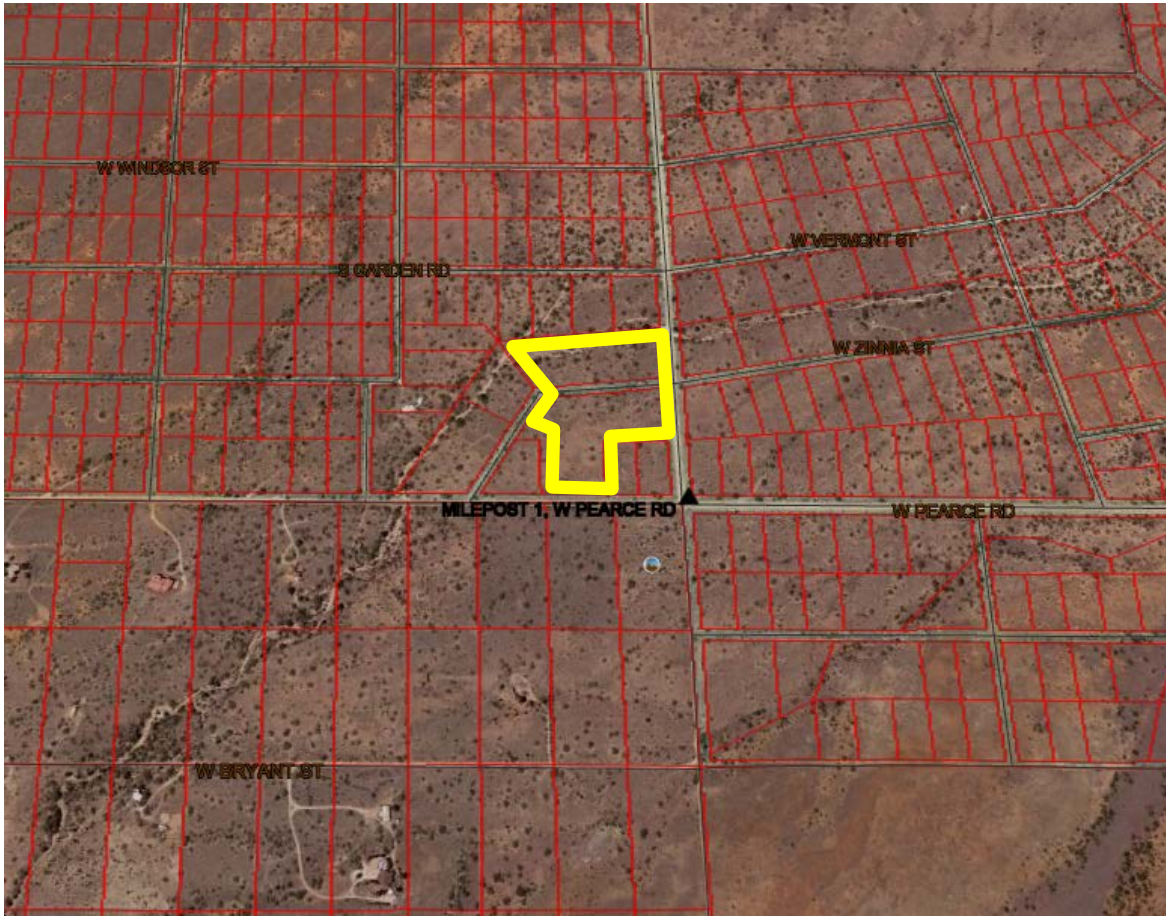
The Applicants are requesting to amend the zoning of their parcels from SR-43 to RU-4. This will preserve the open space and permit the use of the Owner-Builder Opt Out Amendment to the Cochise County Building Code. The Applicant is considering purchasing an approximately 4.9 and 6.2 parcels located north of south of the dedicated, but not improved King Street.

The area is largely vacant with a few widely scattered single family homes. The originally plat can be found to the right. The nine lots highlighted have been merged into two lots. It is these two lots that the Applicants are requesting to rezone. They are separated by King Street, which physically does not exist. If the Applicants decide to merge the two parcels, they need to work with the right of way department to abandon the existing easement.

Parcels located south of Pearce Road are all also zoned RU-4. The current development pattern of the area are homes built on larger or multiple parcels. The proposed request would fit into the current and expected development pattern of the area.

A down zoning will not have any negative impacts on the surrounding properties, except as noted by citizens and discussed below.





**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. The Mid Sulphur Springs Valley Area Plan designates the area as Medium Density Residential. The rezoning is located in a Rural area, adjacent (South of Pearce Road) to existing RU-4 zoning. The Comprehensive Plan allows for downzoning’s to RU-4.



**Compliance with Rezoning Criteria**

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Ten of the criteria are applicable to this request. Seven criteria are met as presented, two are met with conditions and one does not comply.

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

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. The Rezoning to RU-4 is to allow the applicant’s to be able to opt-out of Building Code and allow a rural living consisting of farming and animal raising. The RU designation does permit manufactured homes, which is a concern raised by citizens. Staff is recommending a condition of approval that would not allow a manufactured home to be constructed on the parcel.

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

The 11 acre site is constrained by a wash on the north and King Street which bisects the rezoning. The applicant will be working with the right-of-way department to abandon a portion of the road, while maintain access to surrounding parcels. Even with the constraints there is adequate room for the applicant to meet the development standards (setbacks, height, etc.) which will be verified at permit submittal.

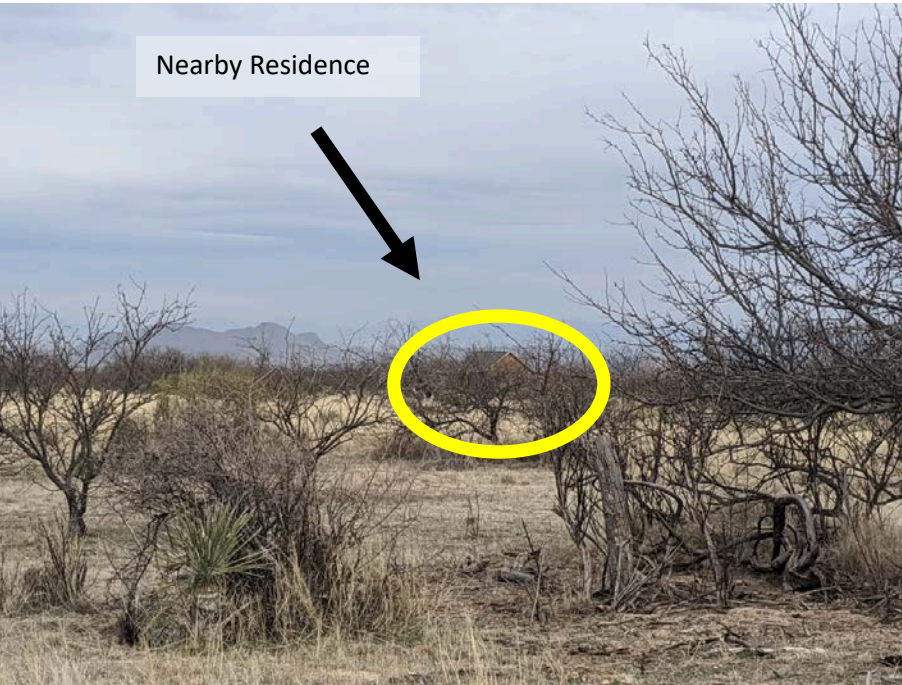
**3. Adjacent Districts Remain Capable of Development: Complies with condition**

With the condition of approval prohibiting manufactured homes, 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 rural area with very scattered single family homes on larger lots. The photograph to the left shows one nearby neighbor to the east. The down zone to larger lots will be compatible with surrounding development.

**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.

**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. If the Applicant decides to peruse the abandonment of King Street there will be no impact to the surrounding parcels as the road does not currently exist between the Applicants parcels. Rezoning from SR-42 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. Both Pearce and Desert Roads are part of 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 with Conditions**

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 February 3, 2020 . Staff posted the property on February 21, 2020 and published a legal notice in the Herald/Review February 21, 2020. Two responses in support and three in opposition were received. The opposition



cited increase in property tax, concern about segregating the community, fear that this rezoning would render their parcel unbuildable and as mentioned above, concern about manufactured homes being allowed. In order to help with the concern about manufactured homes, staff has included a condition prohibiting manufactured homes.

#### **14. Hazardous Materials: Not Applicable**

No hazardous materials are proposed.

#### **15. Compliance with Area Plan: Does not Comply**

The subject property lies within the Mid-Sulphur Springs Valley Area Plan. In the Area Plan, this parcel is designated as Medium Density Residential, which the plan defines as lot sizes of 12,000-square feet to two-acres. While the proposed zoning does not match this designation, it does match the actual pattern of development in the area, where most of the existing homes sit on four or more acres.

#### **V. PUBLIC COMMENT**

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

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

The request is for a downzoning, from SR-43 (Single Residential; one dwelling per 43,000 square feet), to RU-4 (Rural; one dwelling per four acres) on a 11-acre site located in Sunsites. At this time, the area is characterized by open expanses and widely scattered residential development and agriculture.

##### **Factors in Favor of Approval**

1. The request complies with nine of the applicable Rezoning factors used by Staff to analyze this request;
2. With the recommended Conditions the request would be in keeping with the character of the existing development in the area;
3. Two letters of support has been received.

##### **Factors Against Approval**

1. Three letters in opposition were received;
2. The request does not comply with one factor.

#### **VII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from SR-43 (Single-Household Residential; one dwelling per 43,000 square feet) to RU-4 (Rural; one dwelling per four acres) on two parcels totaling 11.07 acres 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. No mobile or manufactured homes shall be constructed on any portion of the 11.07 acres.