



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-20-03 (Young)
DATE: February 28, 2020 for the March 11, 2020 Meeting

APPLICATION FOR A REZONING

The Applicants are requesting a rezoning (down zoning) from SR-43 (Single Residential; one dwelling per 43,000 square feet) to RU-4 (Rural; one dwelling per four acres). The parcels total 4.8 acres.

The subject parcels, APN 117-04-220-221 and 214-215 (now 117-04-221A) is located on West Orange Street and West Newland Street between South Garde Road and South Skyline Road in Pearce. It is further described as being situated in Section 28 of Township 17 South, Range 24 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Karla Young.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 4.8 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	Single Rural Residence/vacant land
South	SR43	Single Rural Residence/vacant land
East	SR-43	Vacant land
West	SR-43/RU-4	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

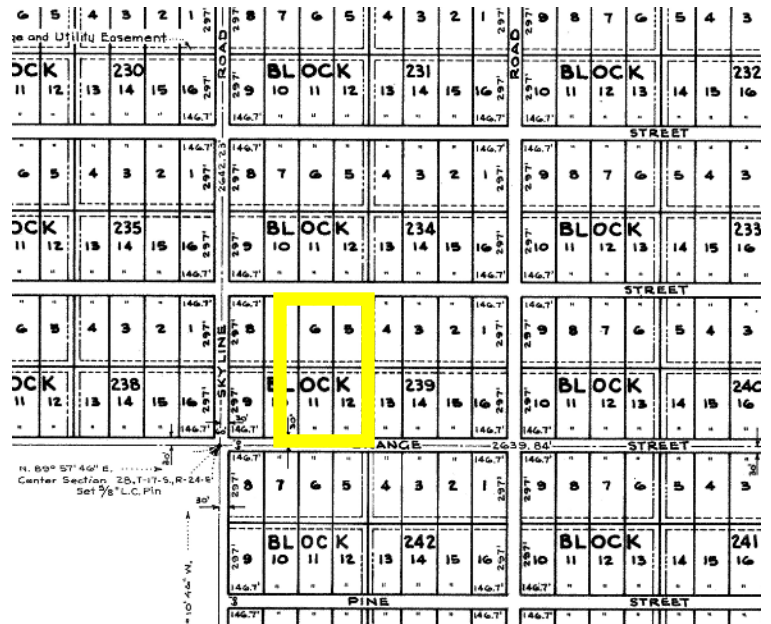
III. NATURE OF REQUEST

The Applicants are requesting to amend the zoning of their parcel 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 on a 4.8 acre parcel.

The area is largely vacant with a few scattered single family homes. The original plat can be found to the right. The four lots highlighted have been merged into one lot. There are existing utility easements that run east west through the property that the applicant is required to allow access to utility companies.

Parcels located northwest and southwest are zoned RU-4. The parcels located to the northwest were rezoned in 2002 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

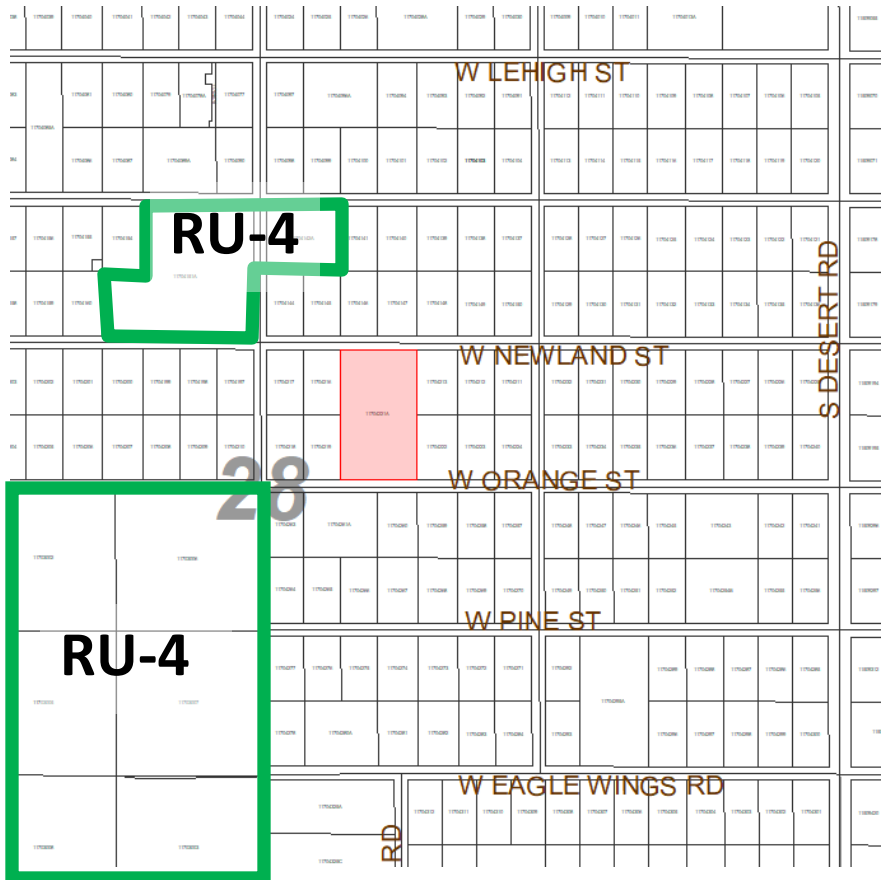
Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category “D” Rural Area. The Mid Sulphur Springs Valley Area Plan designates the area as Medium Density Residential. The rezoning is located in a Rural area, with RU-4 Zoning occurring to the northwest and southwest. 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. Eleven of the criteria are applicable to this request. Six criteria are met as presented, four are met with conditions and one does not comply.

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

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.



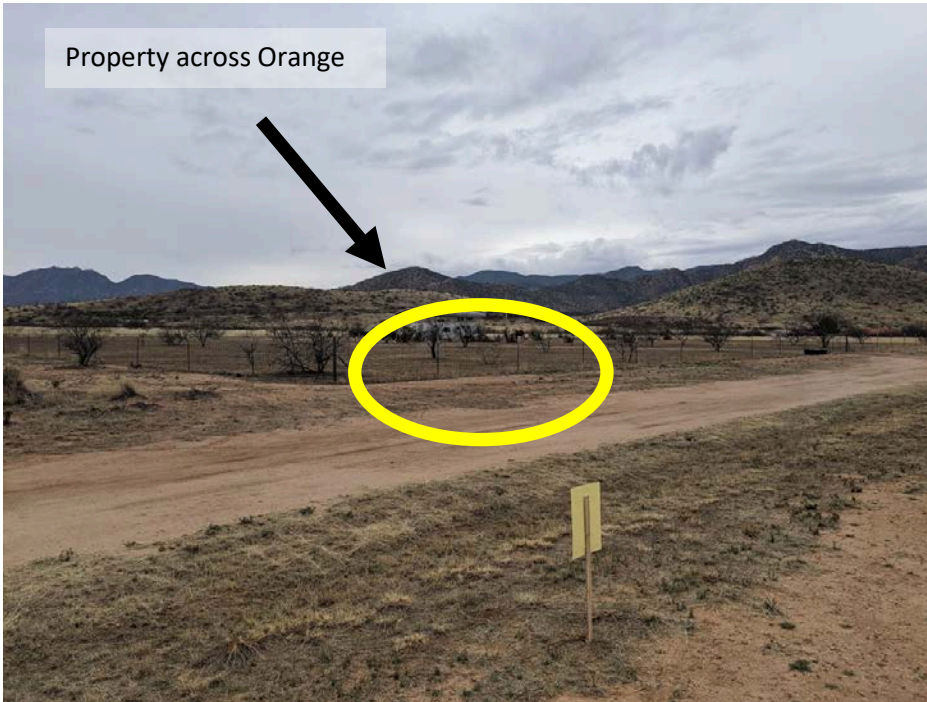
Additionally, the site plan does not clearly show the proposed structures and residence. A condition has been added that during permit submittal a clear site plan shall be presented, including a single family home that meets the Building Code requirements.

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

The 4 acre site is flat and free of any significant obstacles to development. Even with the easements in the center of the property there is adequate room for all development standards to be met.

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 south. 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. Rezoning from SR-43 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.

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 12, 2020. Staff posted the property on February 21, 2020 and published a legal notice in the Herald/Review February 21, 2020. Seven responses in support and eleven in opposition were received. The opposition cited decrease in property values, fear that this rezoning would render their parcel unbuildable, increase in traffic, justification for future rezoning, 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 seven responses in support, and eleven 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 4.8-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. Seven letters of support has been received.

Factors Against Approval

1. Eleven 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 4.08 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 4.08 acres.
4. The site plan provided for the Opt-Out permit shall clearly show the layout of buildings and the residence so that staff can confirm if the proposal fully complies with the Development Standards and Building Code requirements (I.E. minimum square footage and setbacks).