



Cochise County Development Services

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MEMORANDUM

TO: Board of Supervisors
THROUGH: Ed Gilligan, County Administrator
FROM: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket Z-20-04 (Seal)
DATE: April 21, 2020

APPLICATION FOR A REZONING

The applicant is requesting a rezoning (downzoning) from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per four acres). The parcel is 5 acres.

The subject parcel, APN 401-37-105A, is located in the antiquated pre-1976 subdivision Sun Site Ranches located north of Elfrida and east of Highway 191. It is further described as being situated in Section 30 of Township 19 South, Range 27 East of the G&SRB&M, in Cochise County, Arizona. The Applicants is Larry Seal II.

DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 5 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 Areas
Existing Uses: Vacant property
Proposed Uses: Off-Grid Single Family Home

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Vacant land
South	R-36	Vacant land
East	R-36	Vacant land
West	R-36	Vacant land

PARCEL HISTORY

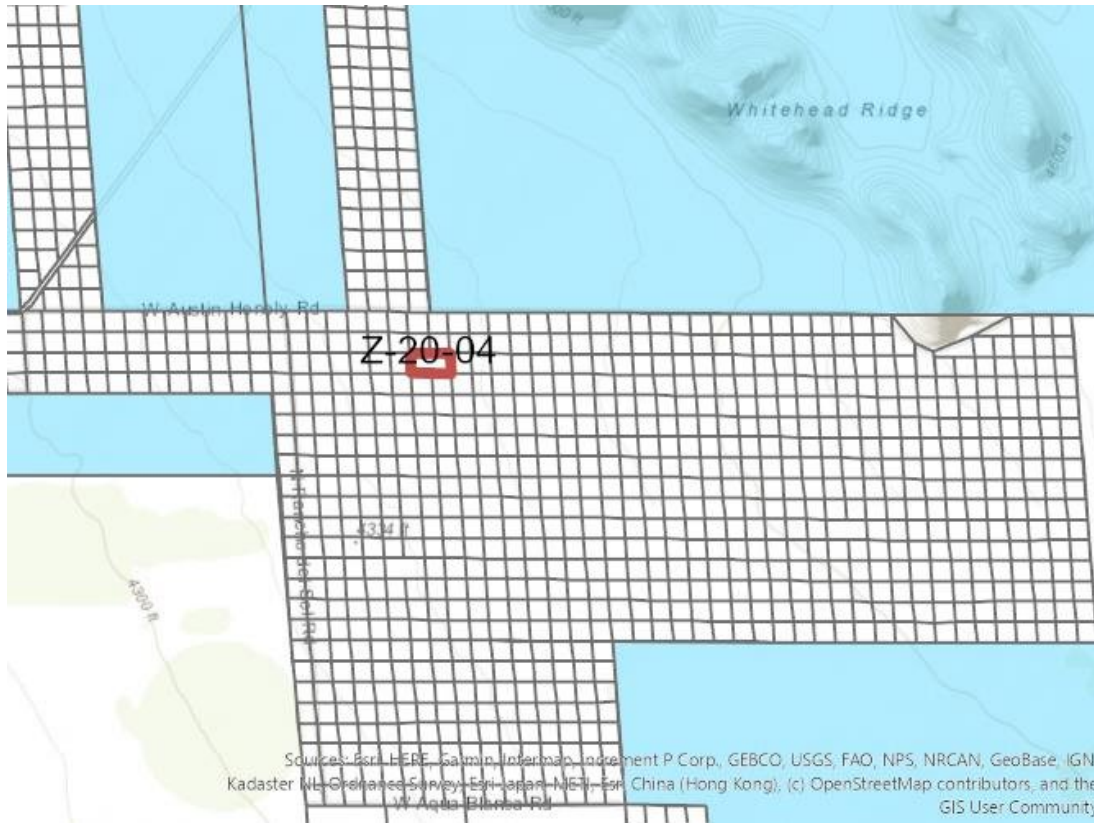
Combined two 2.5 acre parcels into one 5 acre parcel.

NATURE OF REQUEST

The applicant is requesting to amend the zoning of their parcels from R-36 to RU-4. The applicant is a licensed contractor in Virginia and desires to build an off-grid single-family home and accessory structures.

The area is mostly vacant. The property is located in a pre-1976 subdivision, commonly referred to as an antiquated subdivision without the requirement for improved roads and the adequate infrastructure that would be required today in a platted subdivision. Most property owners in the area live out of state, and per phone discussions, many have never visited their property. The nearest residence is located over ½ mile to the south.

Down zoning will not have any negative impacts on the surrounding vacant properties.



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 rezoning is located in a remote rural area. 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 apply 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 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 let the applicant build an off-grid home using the opt-out permit. The RU designation does permit manufactured homes, which is also allowed in the current R-36 zoning.

2. Compliance with Applicable Site Development Standards: Complies

There are no constraints on the property and 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

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 no no other development within half a mile.

6. Rezoning to More Intense Districts: Not Applicable

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 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, or a County maintained road.

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. Staff posted the property and published a legal notice in the Herald/Review. Numerous responses in support and a few in opposition were received.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Not Applicable

The property is not located within an Area Plan adopted by the County.

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 5-acre site. At this time, the area is characterized by open expanses 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. Numerous letters in support

Factors Against Approval

1. Letters in opposition

RECOMMENDATION

The Planning and Zoning Commission voted 5 – 1 to recommend approval of docket Z-20-04 (Seal) at their regular scheduled meeting on April 8, 2020

Based on the factors in favor of approval, Staff recommends forwarding the request for rezoning, from R-36 (Residential; one dwelling per 36,000 square feet) to RU-4 (Rural; one dwelling per four acres) on one parcel totaling 5 acres to the Board of Supervisors with a recommendation of 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 apply to the proposed use pursuant to other federal, state, or local laws or regulations.