

**COCHISE COUNTY**

**Z-20-11 (Andasola)**

**A request to rezone from SR-43 to RU-4**

Board of Supervisors

November 17, 2020



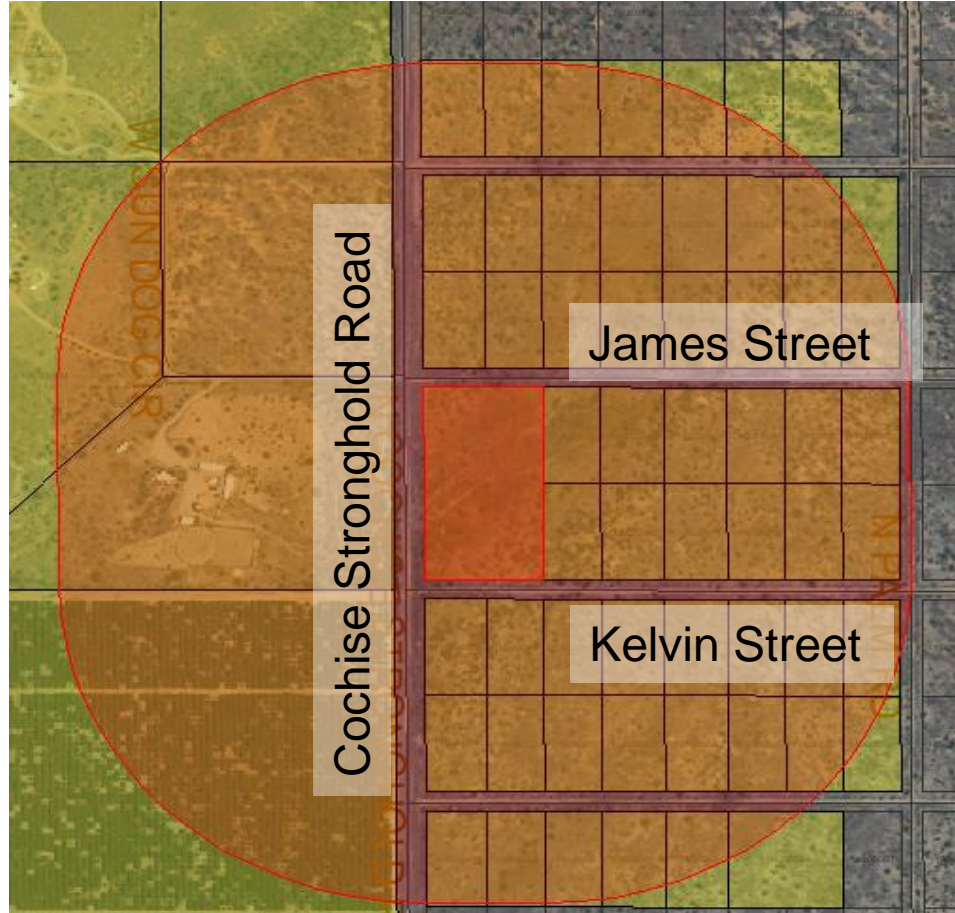
***Public Programs...Personal Service***

## COCHISE COUNTY

- The Applicants are requesting a Rezoning from SR-43 (Single Household Residential, one dwelling per 43,000 square feet) to RU-4 (Rural, one dwelling per 4 acres).
- The subject property is located on northeast corner of N. Cochise Stronghold Road and W. Kelvin
- Parcel 119-02-214B
- 4.43 acres
- The request is to utilize the Owner Builder Opt-Out
- The Applicants Mr. and Mrs. Andasola
- The Planning and Zoning Commission voted 3-6 to recommend denial of the request



Location:



# COCHISE COUNTY

## Factors for or Against a Proposed Rezoning Application

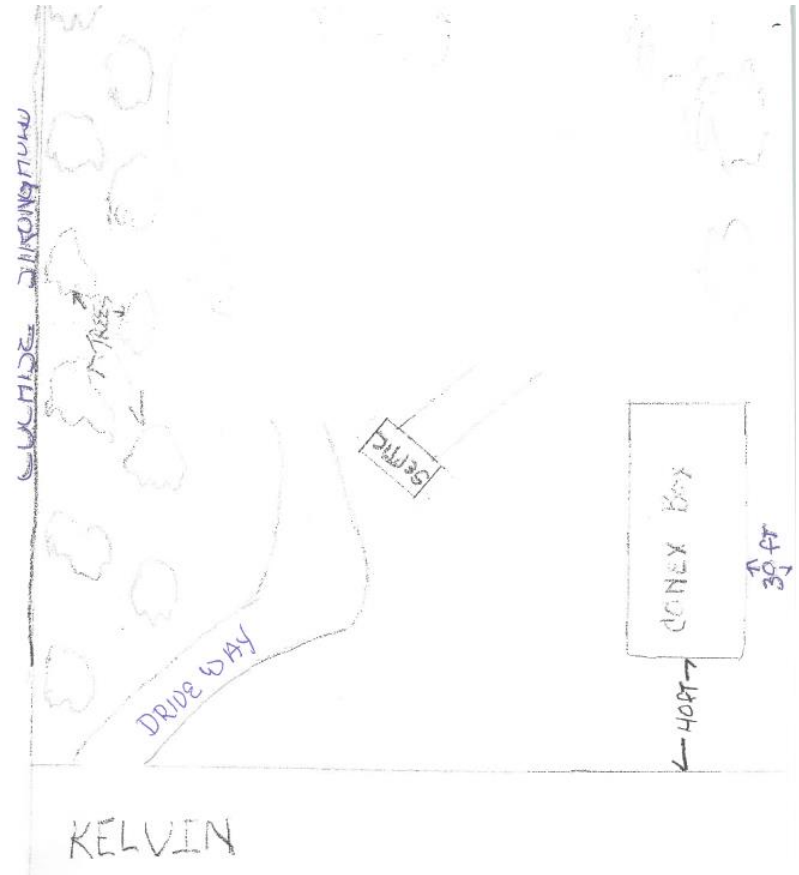
- Zoning Regulations have 15 factors used to evaluate a proposal
  - Thirteen of the criteria apply to this request
  - As submitted complies with eight criteria
  - With the recommended conditions an additional two comply
  - Two do not comply
  - One partially complies



## COCHISE COUNTY

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

- Site plan provided does not include plans for SFR
- This rezoning is result of Code Enforcement Action for illegal camping and improvements in the Flood Zone without permits
- If recommended for approval, Staff recommends two COA:
  - Within six months of the approval of the rezoning the applicants shall obtain a permit for a residence on the property
  - Applicants shall provide a site plan meeting the minimum standards for a building permit. This includes showing all utilities (current plan does not include electric meter), drainage courses, water flow, etc



# COCHISE COUNTY

**Provides an Adequate Land Use/Concept Plan: Complies with conditions (cont.)**



## COCHISE COUNTY

### Compliance with Applicable Site Development Standards: Does not comply

- October 2019. The permit was clearly conditioned:
  1. Must obtain permit for site built house and accessory structure(s)
  2. Cannot opt out of building code due to zoning.
- Applicant placed a conex box without permits and no floodplain review and electric meter
- The SR Zoning District does not allow for accessory structure to be installed without a primary use



## Development Along Major Streets: Complies with condition

- James and Kelvin Streets are not improved
- Right-of-way has concern regarding the driveway used to access Cochise Stronghold Road. A right-of-way permit, acceptable plans and potential improvements may be required.



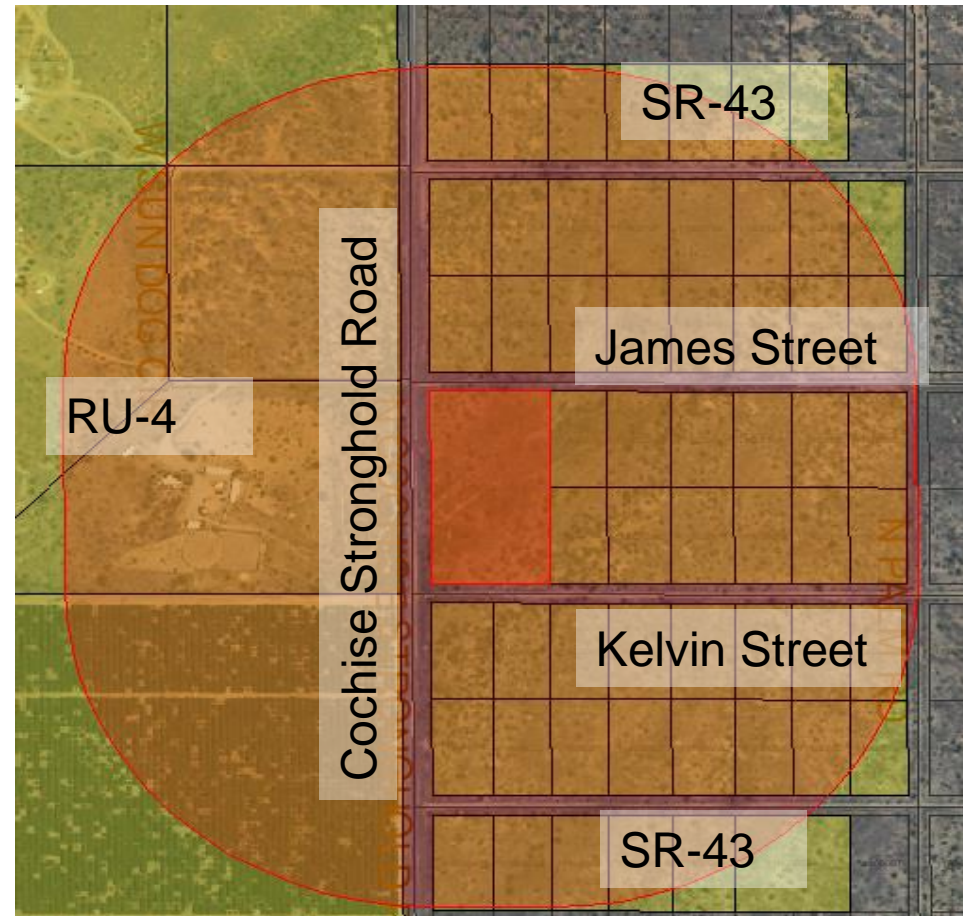
**Unique Topographic Features: Does not comply**

- Property is relatively flat with no distinct features
- Entire Parcel located in an AO-1 Flood Zone



## Compliance with Area Plan, Master Development Plan or Comprehensive plan policies: Partially Complies

- Consistent with MSSVCP
  - Agriculture/Green Space
- Section 102, Goal 3, policy g of the Comprehensive Plan states *Small, isolated rezonings, also known as “spot zonings,” should be discouraged.*



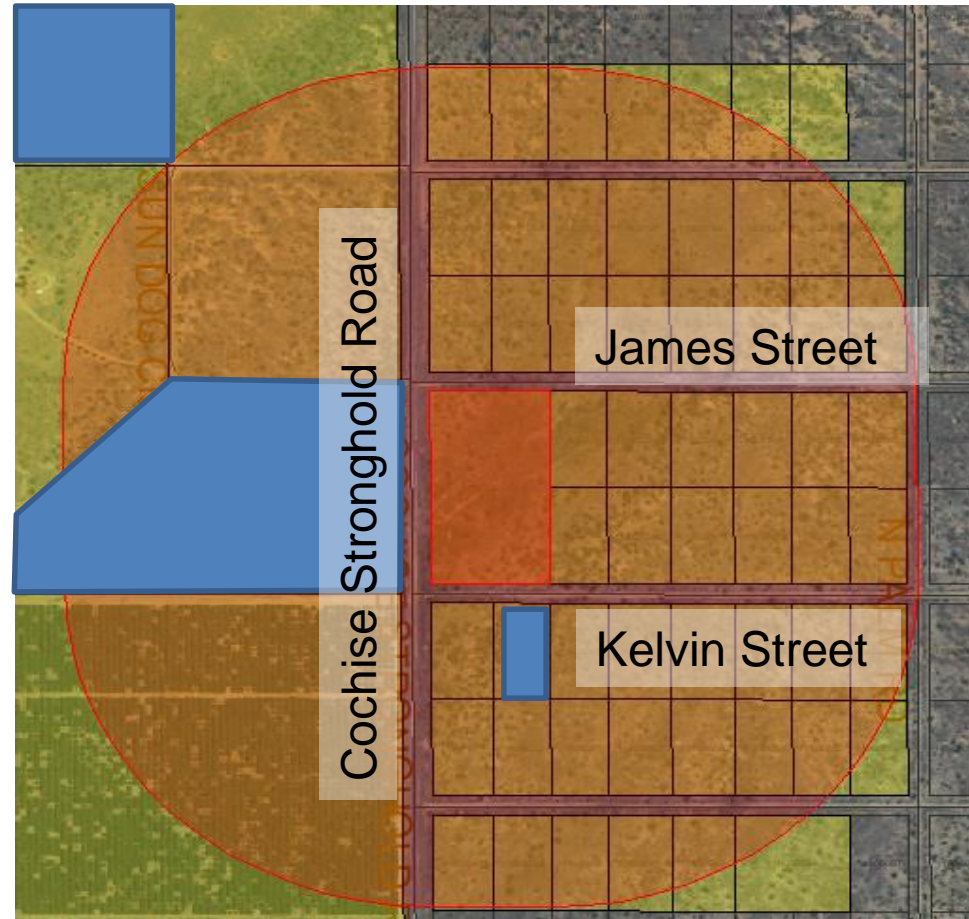
# COCHISE COUNTY

Docket Z-20-11 (Andasola)

## Public Input: Complies

- Three letters in support

 Support



## Factors in Favor and Against Approving the Rezoning:

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

1. The request complies with eight of the applicable Rezoning factors used by Staff to analyze this request;
2. Three letters in support of the request have been received.

### **Factors Against Approval**

1. This rezoning is the result of code compliance action;
2. The request is a spot zoning;
3. Despite conditions listed on septic permit, a connex box, electric pedestal and concrete slab were installed without benefit of permits.
4. The rezoning does not comply with two Rezoning factors and only partial complies with one other.



## Recommendation: Denial

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. Within six (6) months of the Board of Supervisors approval the applicant shall submit permits for the home (opt-out), right-of-way and floodplain.
4. Site plan submitted with the Opt-Out permit shall comply with minimum standards.

