



COCHISE COUNTY DEVELOPMENT SERVICES

"Public Programs...Personal Service"

MEMORANDUM

TO: Board of Supervisors
THROUGH: Richard Karwaczka, County Administrator
FROM: Dan Coxworth, Director
SUBJECT: Docket Z-20-13 (Simon)
DATE: December 15, 2020

APPLICATION FOR A REZONING

The applicant seeks to rezone two parcels totaling 28 acres from RU-2 (Rural; one dwelling per 2 acres) to RU-4 (Rural; one dwelling per four-acres). The parcel was conditionally rezoned from RU-4 to RU-2 in 2006 to subdivide the property. The conditions have not been met, and the applicant seeks to revert the zoning to RU-4. 106-15-020G and 020H are located south of KC Williams Lane in the Babocomari. The Applicant is Valerie Simon.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Size: 28 Acres
Current Zoning: RU-2 (Rural, 1-dwelling per 2 acres)
Growth Area: Category B (Community Growth Area)
Area Plan: *Babocomari Area Plan*
Comprehensive Plan Designation: Low Density Residential
Existing Uses: Vacant Land
Proposed Uses: Single Family Home

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4, [RU-2]	Residential
South	[RU-2]	Vacant Land
East	RU-4	Vacant Land
West	[TR-36]	Vacant Land

II. PARCEL HISTORY

In 2006, a previous owner of the property applied for a rezoning from RU-4 to RU-2 and was granted Conditional Approval. One of the Conditions of Approval, as required by the adopted *Babocomari Area Plan* (2006), indicates that any rezoning to a higher density to facilitate residential development must proceed under the County’s subdivision process. To date, no subdivision process has begun on the subject parcel.



III. NATURE OF REQUEST

Due to the current conditional zoning that restricts residential development to the County’s subdivision process, staff cannot issue permits for any construction beyond repair or agricultural uses. The applicant is requesting that the conditional zoning be reverted to RU-4. This type of rezoning request is often referred to as “*downzoning*” because if granted, the minimum lot size would increase from 2-acre minimum lots to a four-acre minimum lot size.

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

The subject property lies within a Category “B”– Community Growth Area and is considered a “Low-Density Residential” land use designation area per the *Babocomari Area Plan*. RU-4 zoning is permitted in the Category “B,” “Low-Density Residential” areas, so this request to rezone to RU-4 complies with the *Babocomari Plan* as detailed below.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Eight of the criteria apply to this request, which, as submitted, complies with all of the eight relevant factors.

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

The applicant has no current plans for the property.

2. Compliance with the Applicable Site Development Standards—Complies.

As noted above, the 28-acres are undeveloped. Downzoning to RU-4 would not negatively impact the ability of the parcel to be developed.

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.

There is precedent for RU-4 zoning in the immediate area. A significant portion of the Babocomari area retains RU-4 zoning.

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 – Not Applicable.

As this request is for a downzoning, this factor does not apply.

8. Traffic Circulation Criteria – Complies.

Because this request is to reduce density, rezoning from RU-2 to RU-4 would decrease the permitted density, with a corresponding decrease in potential traffic.

9. Development Along Major Streets—Not Applicable.

The area 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 would also likely decrease.

13. Public Input—Complies.

As this is a downzoning request, the applicant was not required to complete a Citizen Review. Staff published a legal notice and notified neighboring property owners within 300-feet of the property and received no letters in support or opposition

14. Hazardous Materials – Not Applicable.

No hazardous materials are proposed as part of this request.

15. Compliance with Area Plan - Complies

The subject property lies within a Category “B”– Community Growth Area and is considered a “Low-Density Residential” land use designation area per the Babocomari Area Plan. The Neighborhood Conservation designation is intended to create neighborhoods with lots of one-acre or more. This request would comply by creating a minimum lot size of four-acres per dwelling.

V. SUMMARY

The rezoning (“*downzoning*”) request is for a parcels of 28 acres in the Babocomari. This request would eliminate a conditional rezoning that was approved 14 years ago, requiring a subdivision plat.

All current development is occurring on parcels zoned RU-4. The Babocomari Area Plan designates the site for Low-Density Residential. This designation essentially constitutes a recommendation on the part of the Area Plan for a rezoning to a lower-density zoning district, constituting a major Factor in Favor of Approval. A rezoning to the RU-4 district would, therefore, reflect the policies of the Plan, and would better reflect the character of the surrounding neighborhood.

Staff’s recommendation is based upon the above analysis, as well as the following Factors in Favor and Against approval:

Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of development in the area;
2. The *Babocomari Area Plan* and 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. The request would remove the conditional zoning and permit the owner to develop the property.

Factors Against Approval

None

VI. RECOMMENDATION

The **Planning & Zoning Commission** voted to recommend **approval** at their regularly scheduled meeting on December 9, 2020

Based on the Factors in Favor of Approval, staff recommends **Conditional Approval** of Docket Z-20-13, subject to the following standard Condition:

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.

VII. ATTACHMENTS

- A. Rezoning Application