



# 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-20-16 (Landwerlen)  
**DATE:** January 4, 2021 for the January 13, 2021 Meeting

### APPLICATION FOR A REZONING

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

The subject parcel, APN 117-04-206B is located on West Orange Street and West Newland Street east of South Palm 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 Mr. Mark Landwerlen.

### 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/RU-4	Rural Residence/vacant land
South	RU-4	Rural Residence/vacant land
East	SR-43	Rural Residence/vacant land
West	SR-43	Rural Residence/vacant land

### **Planning, Zoning and Building Safety**

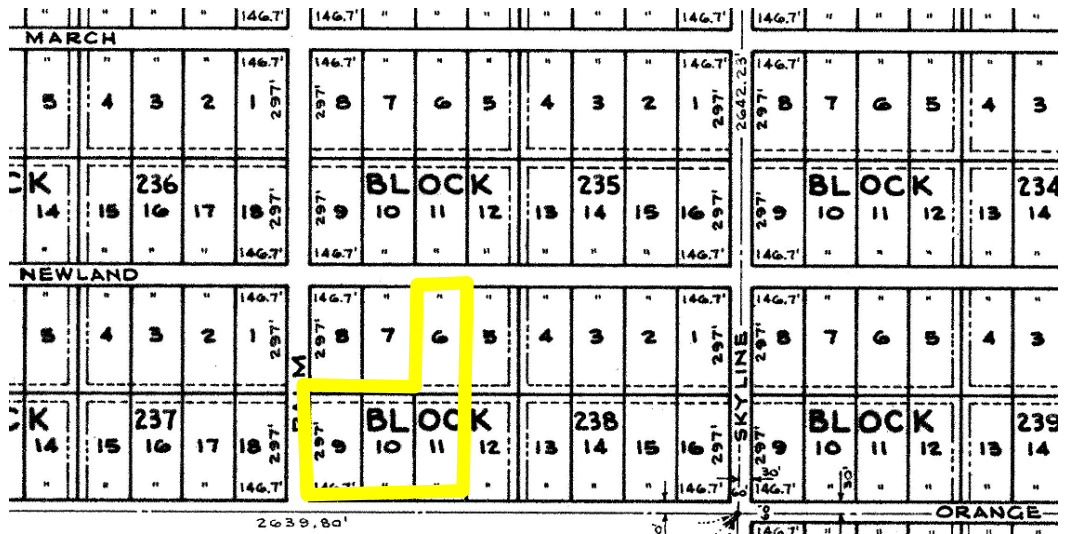
1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
planningandzoning@cochise.az.gov

**II. PARCEL HISTORY**

Septic Permit Submitted December 2020.

**III. NATURE OF REQUEST**

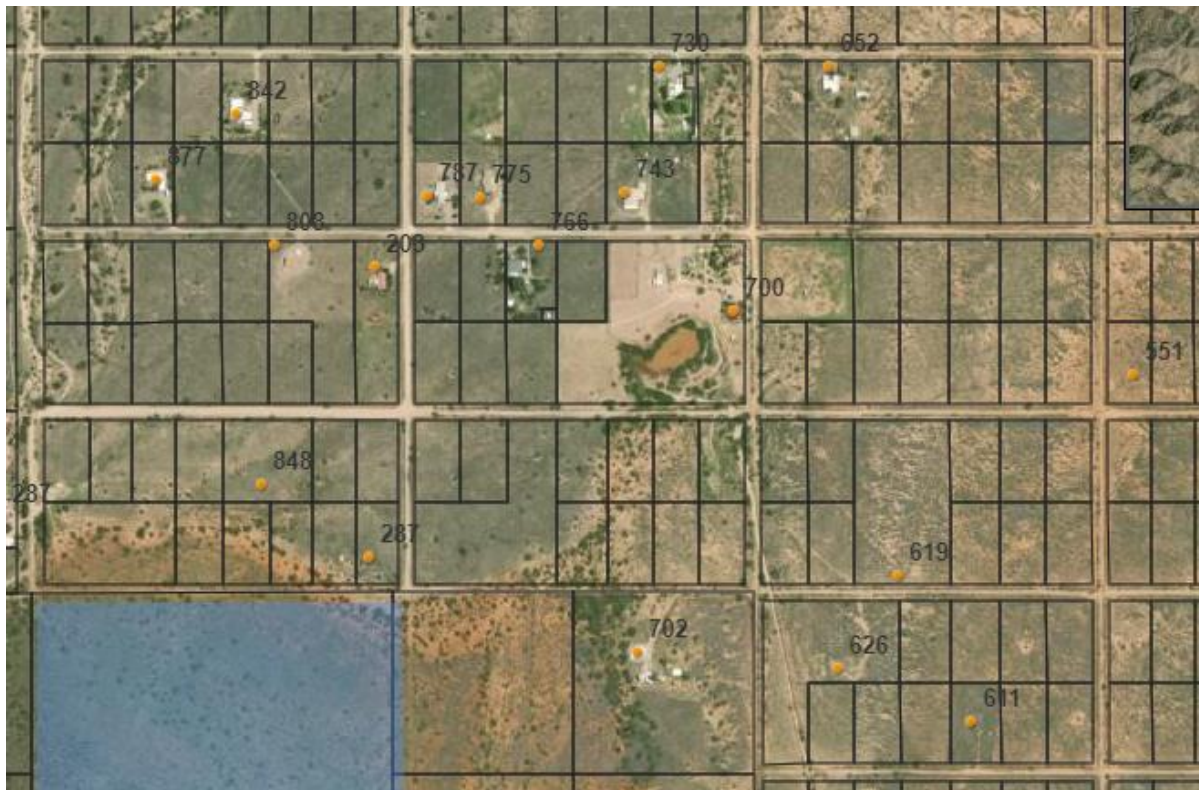
The Applicants are requesting to amend the zoning of their parcel from SR-43 to RU-4. This will preserve the open space, allow accessory structures prior to construction of the residence and allow accessory structures larger than the residence on a 4.8 acre parcel.



The area is largely vacant with a few scattered single family homes. A portion of the original plat can be found above. 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 northeast and south are zoned RU-4. The parcels located to the northeast were rezoned in 2002 to RU-4. Additionally, last year the Commission recommended approval and the Board approved rezoning of a property approximately 1,100 Feet to the east. 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.





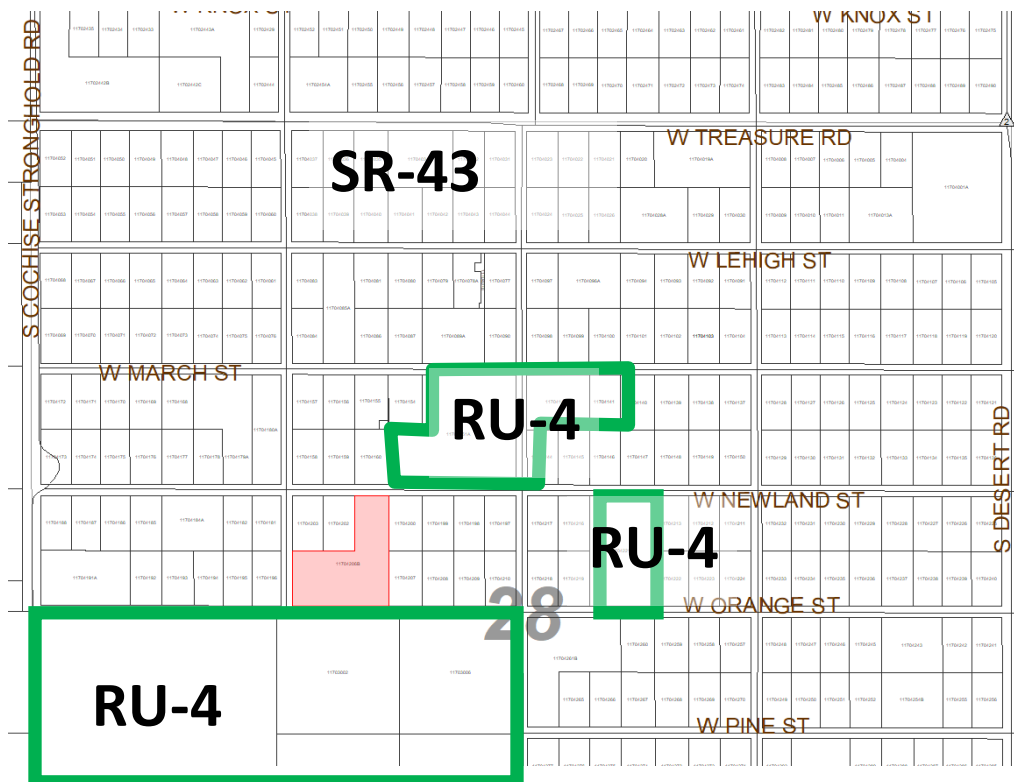
**IV. ANALYSIS OF IMPACTS**

**Mandatory Compliance**

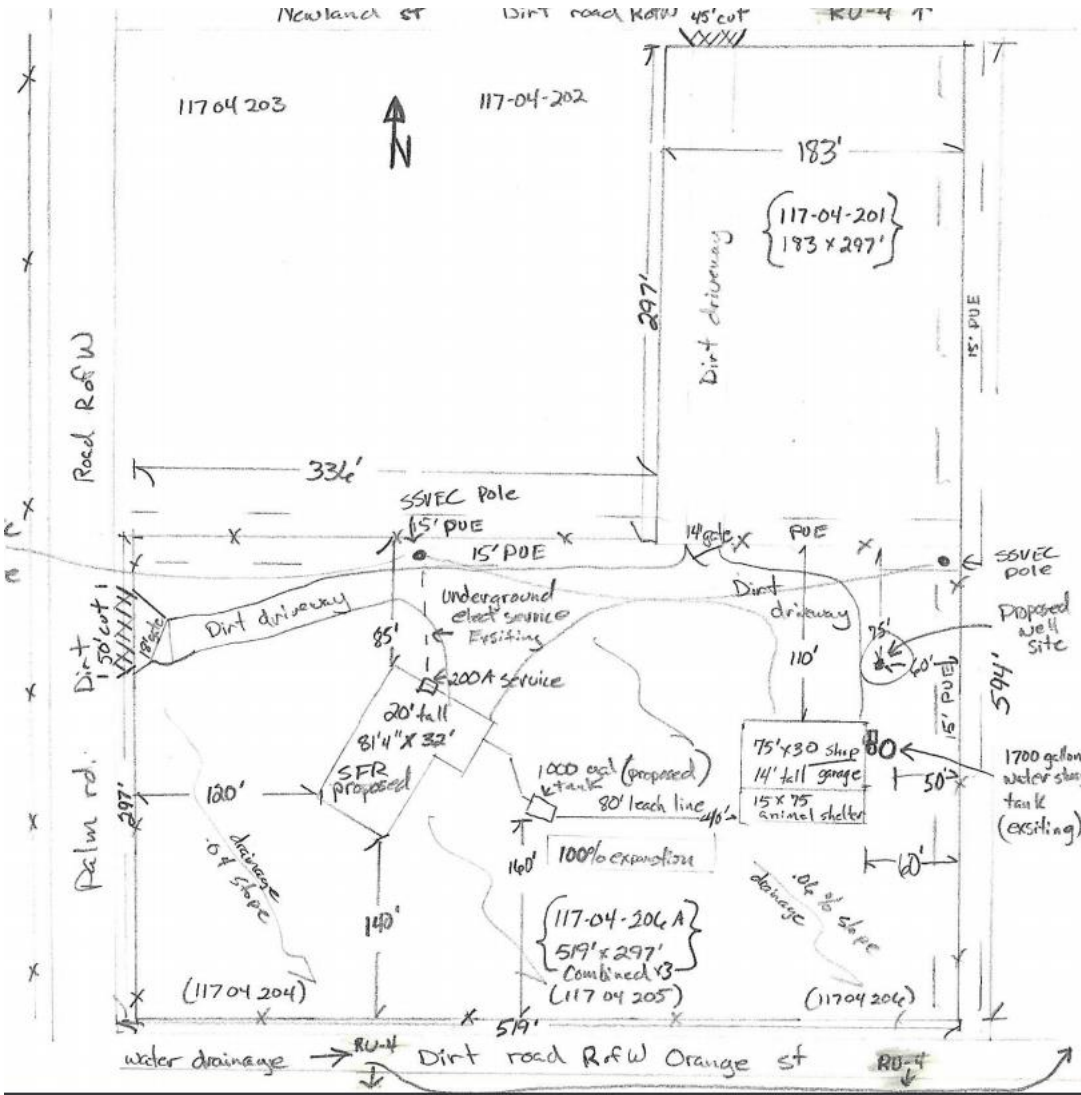
Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category “D” Rural Area. The Mid Sulphur Springs 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. Ten of the criteria are applicable to this request. Six criteria are met as presented, three 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 the ability to construct assessor buildings prior to construction of the residence and allow assessor structures to be larger than the primary dwelling 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 and the applicant has agreed to a condition of approval that would not allow a manufactured home to be placed on the parcel.

The site plan provided shows that all proposed structures on the site will exceed required setback.

2. Compliance with Applicable Site Development Standards: Complies

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 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 Condition**

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 December 10, 2020 . Staff posted the property on December 22, 2020 and published a legal notice in the Herald/Review December 15, 2020. Three responses in opposition were received and one in support. The opposition cited decrease in property values and concern about manufactured homes being allowed. In order to help with the concern about manufactured homes, staff has included, and the applicant has agreed to 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 One response 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 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. One letter 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 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.