



Cochise County

Development Services

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MEMORANDUM

TO: Board of Supervisors
FROM: Daniel Coxworth, AICP, Development Services Director
FOR: Richard Karwaczka, County Administrator
SUBJECT: Docket RZ21-09 (Klein)
DATE: June 22, 2021

APPLICATION FOR A REZONING

The applicant requests a rezoning from SR-43 (Single-Family Residential, one dwelling per 43,000 square feet) to SR-174 (Single-Family Residential, one dwelling per 174,000 square feet).

I. DESCRIPTION OF SUBJECT PARCEL AND

SURROUNDING LAND USES

Applicant:	Samuel Klein
Location:	South of Cody Street, Cochise, AZ 85606
APN:	116-09-400A
Parcel Size:	5.56 Acres
Current Zoning:	SR-43 (Single-Family Residential, one dwelling per 43,000 square feet)
Proposed Zoning:	SR-174 (Single-Family Residential, one dwelling per 174,000 square feet)
Growth Area:	D – Rural
Plan Designation:	Medium Density Residential
Area Plan:	Mid Sulphur Springs Area Plan
Existing Uses:	Shed and 900 square foot earthbag foundation
Proposed Uses:	Single-Family earthbag home

Planning, Zoning and Building Safety

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Bisbee, Arizona 85603
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Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-43	Vacant
South	SR-43	Vacant
East	SR-43	Vacant
West	SR-43	Vacant

II. PARCEL HISTORY

None

III. NATURE OF REQUEST

The applicant is requesting to amend the zoning of his parcel from SR-43 to SR-174. The area is rural and largely vacant, with a few scattered single-family homes. The property exceeds 4 acres, and with existing development patterns, the SR-174 designation is appropriate. A downzoning will not have any negative impacts on the surrounding properties.

Mandatory Compliance

Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries comply with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property is in a Category "D" Rural Area, Medium Density Residential. The rezoning is in a Rural area, maintaining the SR designation to only permit site-built homes. The Comprehensive Plan allows for a downzoning to SR-174.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests.

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

The proposal will facilitate standard rural home site development.

The site plan presented shall meet the minimum requirements and provide setbacks, septic location, utility locations, driveway location, etc.

2. Compliance with Applicable Site Development Standards: Complies

The parcel exceeds 4 acres. The proposed home will meet all required development standards.

3. Adjacent Districts Remain Capable of Development: Complies

Surrounding properties remain able to develop.

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. The downzone that maintains the SR designation is compatible with surrounding development.

6. Rezoning to More Intense Districts: Not Applicable

As indicated, this request is for a downzoning, which will 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 existing roadway network's layout or function without requiring right-of-way dedication or off-site improvements. Rezoning from SR-22 to SR-174 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 to rezoning requests to General Business, Light Industry, or Heavy Industry.

11. Unique Topographic Features: Complies

No unique topographic features exist that will prevent the development of the property.

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 is not required to complete a Citizen Review. Staff mailed notices to neighboring property owners within 300 feet of the subject property on May 14, 2021. Staff posted the property on May 14, 2021, and published a legal notice in the Sierra Vista Herald/Review.

The Department received no letters in support or against this request.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Does not Comply

The subject property is within the Mid-Sulphur Springs Area Plan, designated as medium-density residential. Policy 3 states that the lot size is greater than 12,000 square feet but less than two acres. The property is located in an antiquated subdivision that has not developed as anticipated without adequate infrastructure such as paved roads, sewer, and water, for one-acre lots. The Area Plan is dated (1999), and considering the lack of development and infrastructure, downzoning in this area should be encouraged.

IV. SUMMARY AND CONCLUSION

The request is for a downzoning from SR-43 to SR-174 on a 5.56-acre site in a fairly remote area in Cochise. The area is characterized by open expanses and widely scattered residential development.

Factors in Favor of Approval

1. The request complies with ten of the applicable rezoning factors used by staff to analyze this request;
2. The request would be in keeping with the character of the existing development in the area.

Factors Against Approval

1. Does not comply with the Mid-Suphur Springs Area Plan

V. RECOMMENDATION

The Planning & Zoning Commission recommended to the Board of Supervisors approval at their June 8, 2021 meeting.

Based on the factors in favor of approval, staff recommends approval of the rezoning request, from SR-43 to SR-174 on a 5.56-acre, subject to the following conditions:

1. Within 30-days of approval, Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from A.R.S. § 12-1134. The Applicant shall apply for a building/use permit for the project within 3-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards and with Section 1705 of the Zoning Regulations;
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.