



# Cochise County

## Development Services

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### MEMORANDUM

**TO:** Cochise County Board of Supervisors  
**FROM:** Robert Kirschmann, Planner II  
**FOR:** Dan Coxworth, Development Services Director  
**THROUGH:** Richard Karwaczka, County Administrator  
**SUBJECT:** Docket RZ21-14 (Redwing)  
**DATE:** October 27, 2021

### APPLICATION FOR A REZONING

The applicant requests a rezoning from RU-4 (Rural, one dwelling per 4 acres) to RU-2 (Rural, one dwelling per 2 acres).

At their meeting of November 10, 2021 the Planning and Zoning Commission recommended approval (6-2) of the request to the Board of Supervisors.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicant: Mr. Victor Bruzee  
Location: 610 E. Redwing Lane, Huachuca City  
APN: 106-16-041L  
Parcel Size: 4.87 Acres  
Current Zoning: RU-4 (Residential; one dwelling per 4 acres)  
Proposed Zoning: RU-2 (Rural; one dwelling per 2 acres)  
Growth Area: B – Community Growth Areas  
Plan Designation: Developing  
Area Plan: None  
Existing Uses: Single Family Home  
Proposed Uses: Additional Single-Family Home

### **Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Single Family Homes
South	RU-4	Single Family Homes

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

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

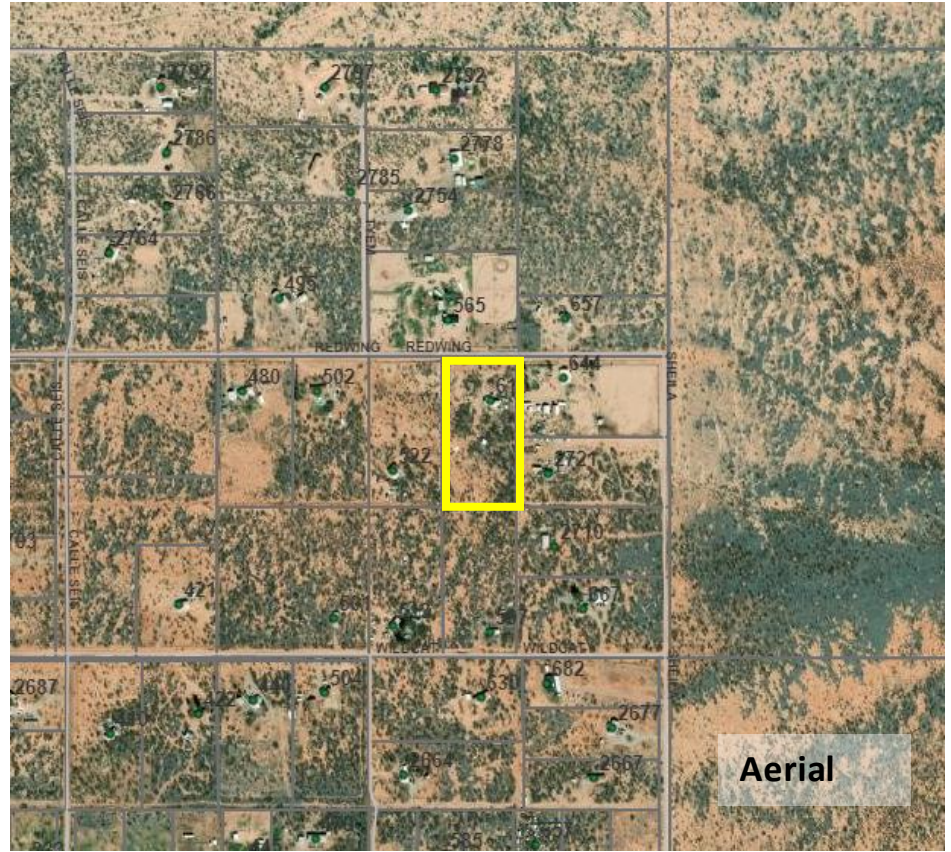
East	RU-4	Single Family Homes with Accessory Living Quarters
West	RU-4	Single Family Home

**II. PARCEL HISTORY**

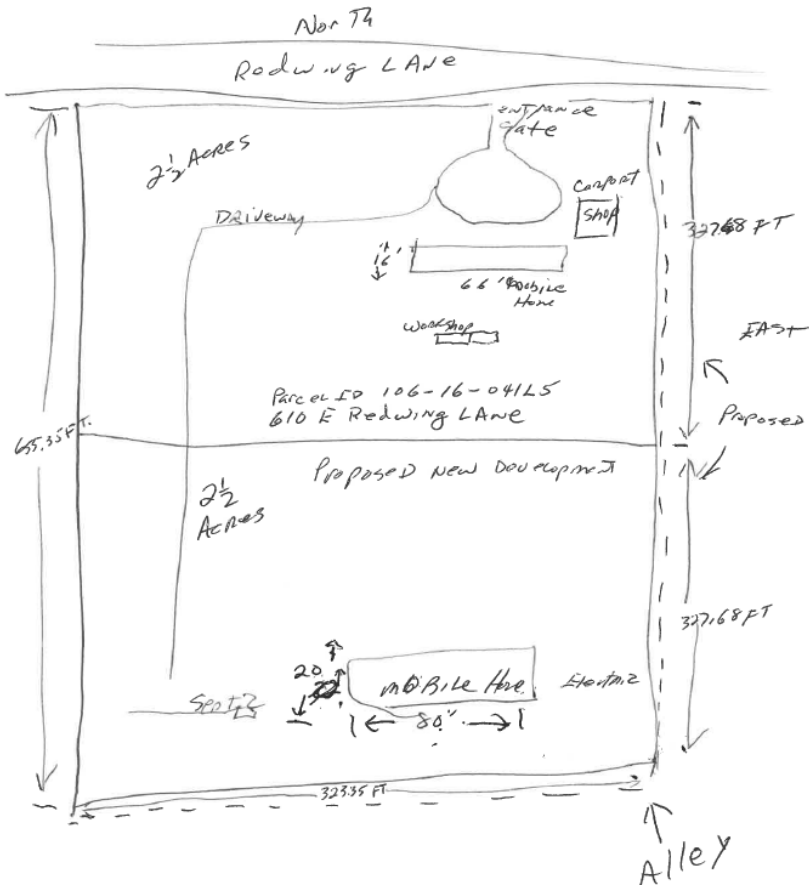
1995 Manufactured home

**III. NATURE OF REQUEST**

The applicant is requesting to amend the zoning of their parcel from RU-4 to RU-2. The area is rural and development with single family homes. Many of the adjacent properties have accessory living quarters(ALQs) in addition to the main home. The applicant is requesting this rezoning to construct one additional home for a family member, however it would not qualify for an accessory living quarters. This one rezoning, would not result in a significant change to the neighborhood, especially in light of adjacent ALQs, and businesses. There is the potential that this could lead to other rezoning's in the future.

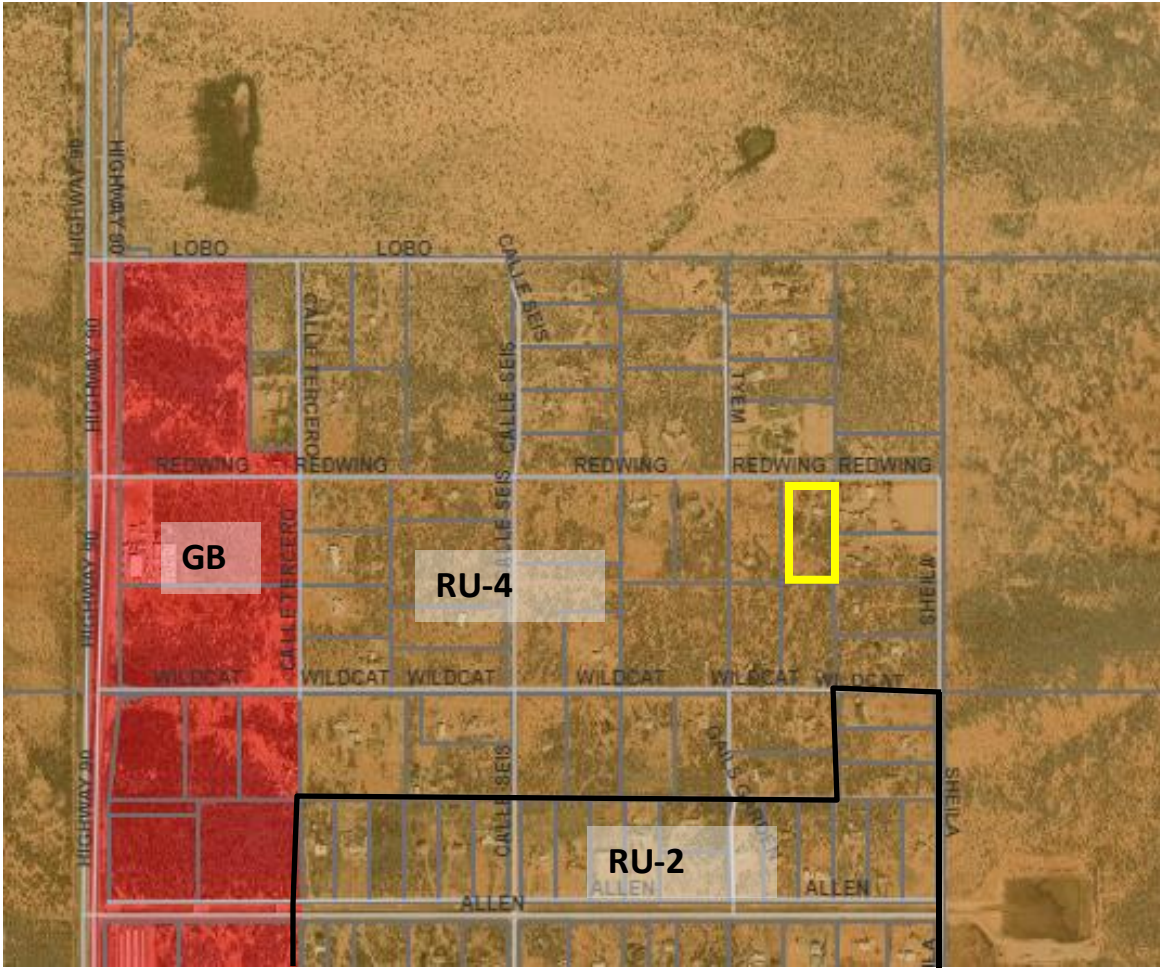


**Mandatory Compliance**

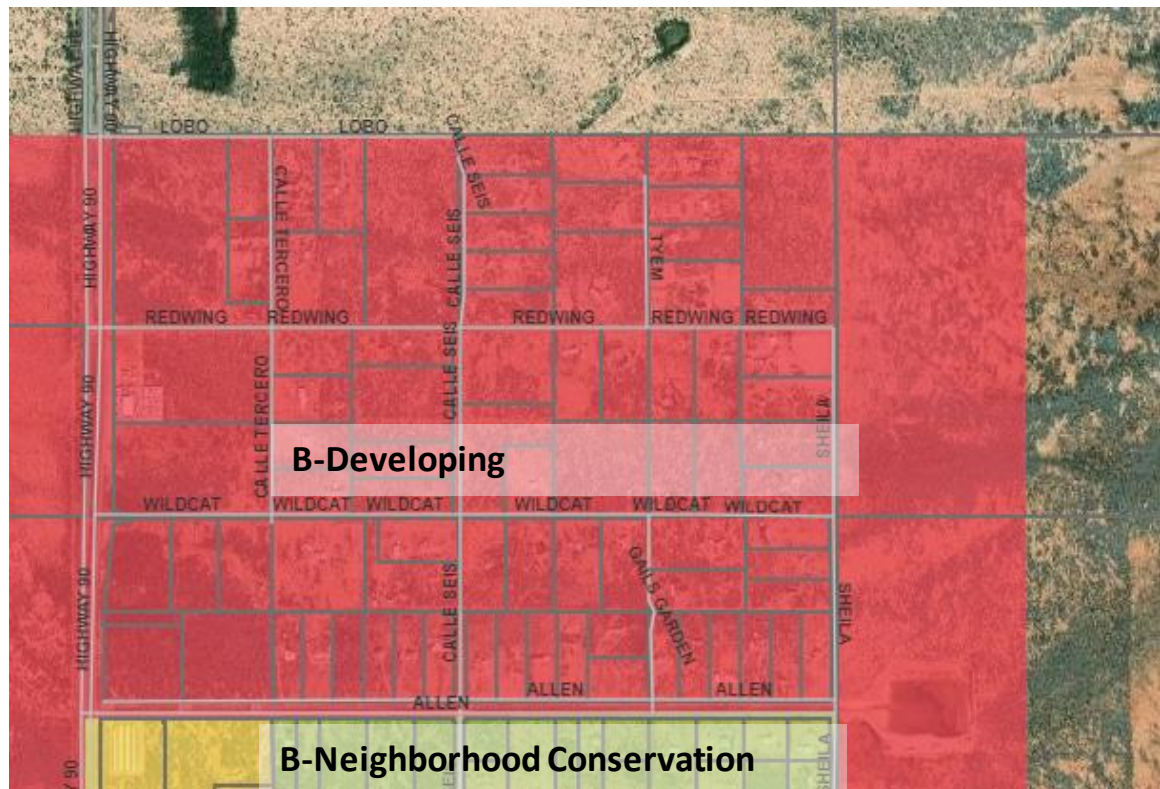


Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property is in a Category "B" Developing. The Developing Designation does not allow the current designation of RU-4, in fact the largest lot Zoning District allowed in Developing is RU-2, which is what the applicant is proposing.

Site Plan



Zoning



Comprehensive Plan

**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 is intended to facilitate standard, rural home site development. The Rezoning would not result in any changes to the allowed principal, accessory, and Special Uses per Article 6 of the Zoning Regulations except the lot could be subdivided as small as 2 acres, allowing for one additional home.

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 with condition**

A minor land division will be required if the applicant decides to sell a portion of the lot. At that time, it will be verified that minimum lot size, setbacks and all other development standards can be met.



Existing Residence



Adjacent Residence and ALQ

**3. Adjacent Districts Remain Capable of Development: Complies**

Surrounding properties remain able to develop. If this rezoning is approved, it could open the door to future requests which is supported by the Comprehensive Plan.

**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 single family homes primarily on four (4) acres. Several nearby properties have Accessory Living Quarters on them. The key difference is that the applicant will be able to split the

parcel and construct a full-size home. Staff believes that the addition of one more home will not be incompatible with the surrounding development.

**6. Rezoning to More Intense Districts: Complies**

As indicated, this request is to rezone from Rural, four (4) acre minimum to Rural, two (2) acre minimum. Several surrounding lots already have Accessory Living Quarters (essentially doubling their densities). The setbacks for both Zoning Districts is 20 feet, which the applicant will be required to meet.



Redwing Lane

**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-2 zoning designation.

**8. Traffic Circulation Criteria: Complies**

This rezoning request will not alter the existing roadway network's layout or function and will not require right-of-way dedication or off-site improvements. This rezoning could result in a minor increase in traffic similar to the increases seen by the addition of ALQs. Redwing is a non-County maintained road in passable condition.

**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**

This zoning would result in one additional residential unit.

**13. Public Input: Does Not Comply**

Staff posted the property on October 20, 2021 and published a legal notice in the Herald/Review October 13, 2021. The Department received seven letters in opposition to this request. The letters in opposition express concern about this allowing other properties in the future to be rezoned, the creation of dust, noise, traffic, etc. The letters are attached for Commission consideration.



**14. Hazardous Materials: Not Applicable**

No hazardous materials are proposed.

**15. Compliance with Area Plan, Comprehensive Plan Policies: Partially Complies**

The subject property is not located within an area plan; however, the Comprehensive Plan designates the area as Developing. The Developing Designation **does not** allow for RU-4 Zoning. The applicant's request to RU-2 is consistent and compatible with the comprehensive plan designation and surrounding properties.

However, since there is not RU-2 Zoning adjacent, this could be considered a spot zoning, which is discouraged by the Land Use Element of the Comprehensive Plan, Goal 3, Policy g.

#### **IV. SUMMARY AND CONCLUSION**

The request is for a rezoning, from RU-4 (Rural; one dwelling per four acres) to RU-2 (Rural; one dwelling per two acres) on a 4.87-acre site in Whetstone. The area is characterized by single family homes, several with ALQs on approximately four acres.

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

1. The request complies with twelve 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;
3. If the rezoning is approved, the parcel would be in compliance with the Comprehensive Plan
4. The addition of one residence will not create a negative impact on the surrounding properties.

##### **Factors Against Approval**

1. Seven letters in opposition were received;
2. This Rezoning could lead to additional rezoning requests in the area;
3. The Land Use Element of the Comprehensive Plan, Goal 3, Policy g discourages "Spot zonings".

#### **V. RECOMMENDATION**

The Planning and Zoning Commission recommended in a 6-2 vote on forwarding the rezoning request, from RU-2 (Rural; one dwelling per 2 acres) to RU-4 (Rural; one dwelling per four acres) on a 4.99-acre parcel 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. The applicant's responsibility is 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.
3. The parcel split will require a Minor Land Division request and approval.