



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 Z21-000003 (Buena Vista Ranchettes)
DATE: February 28, 2020 for the March 11, 2020 Meeting

APPLICATION FOR A REZONING

The Applicant's request a Rezoning from RU-4 (one dwelling per four acres) to RU-2 (one dwelling per two acres) on approximately 75 acres. The 75 acres was originally platted and approved by the Board of Supervisors in 1988 for 20 residential lots, 2 well sites and a loop road. Per the Assurance Agreement the applicant was to extend the agreement or construct the improvements within three (3) years. Neither was completed. The plat has not yet been abandoned and is owned by multiple people. The new applicants wish to build the approved plat; however, the RU-4 Zoning only allows 18 homes. Therefore, the applicant is requesting this rezoning. This rezoning could allow for up to a maximum of 37 lots. The parcel numbers are identified as 124-02-13 through 32.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 75 acres
Current Zoning: RU-4 (one dwelling per four acres)
Proposed Zoning: RU-2 (Rural; one dwelling per two acres)
Growth Area: D – Rural Areas
Plan Designation: Rural
Area Plan: None
Existing Uses: Vacant, subdivided property
Proposed Uses: Same

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Rural Residence/vacant land
South	MH-72	Existing small lot (~7,200 sq ft) subdivision
East	RU-4	Rural Residence/vacant land
West	RU-4	Rural Residence/vacant land

Planning, Zoning and Building Safety

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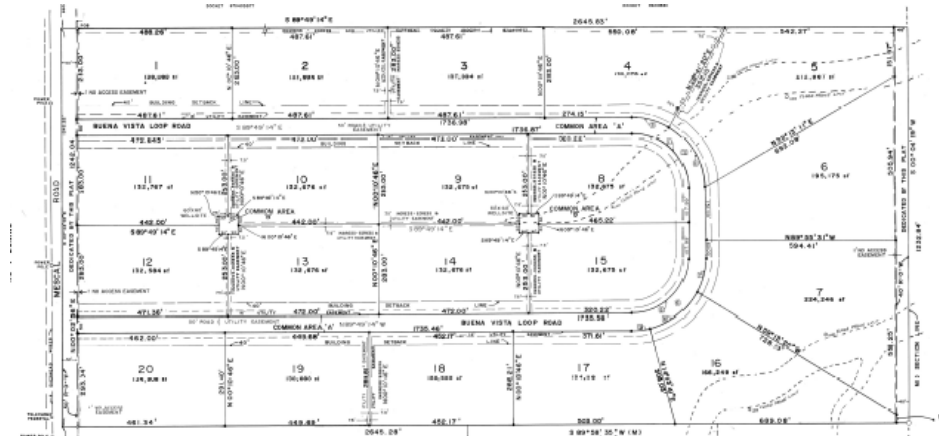
II. PARCEL HISTORY

1988 Board of Supervisors approved existing plat (right)

1991 Assurance Agreement expired

III. NATURE OF REQUEST

The Applicants purchased the properties in late 2020 knowing that the assurance agreement had lapsed. Initially, that applicants wanted to just be able to use the existing plat. Unfortunately, the property is 75 acres and the Zoning allows for a density of one lot per four acres per lot. That would only allow for eighteen lots. The plat was for 20. Despite significant research, staff has been unable to determine how the original plat was approved inconsistent with the Zoning.



Therefore, since the assurance agreement expired, no extension was ever requested or approved, and no improvements were ever made to the site the parcels must be rezoned to allow the original plat the applicants are requesting the rezoning. Additionally, County standards have changed in regard to street improvements and the improvement plans

will need to be updated and approved by the County through the subdivision process.



The rezoning does not require the applicants to use the existing plat. In fact, by rezoning to RU-2 up to 37 lots could be allowed. There were some early discussions with the Applicants about abandoning the plat or rezoning and then wild-cat splitting. Staff has included a condition that requires the existing plat to be abandoned and a new plat be submitted for consideration. Staff can only support this request with the inclusion of that condition.

Speaking specifically to the requested rezoning, the RU-2 designation makes a logical transition between the small lot subdivision to the south and the larger lots (Ru-4) to the north.

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 is in a Category "D" Rural Area. The rezoning is located in a Rural area, with RU-4 zoning occurring to the north. The Comprehensive Plan allows for a rezoning to RU-2.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Thirteen of the criteria are applicable to this request. Ten 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 75 acres proposed to be rezoned are all part of the original Buena Vista Ranchettes, as shown above. If the rezoning is approved the applicant may use this existing plat to move forward. Updated improvement plans would need to be provided. However, if the applicant will be adding lots or making changes to the plat, then the applicant shall first submit a request to abandon the plat and second submit a new plat for consideration.

Conditions:

1. The applicant shall submit improvement plans for the existing plat or submit a request to abandon the plat within ninety (90) days of approval.
2. Any development of any of the 75 acres must done in compliance with the County Subdivision standards . The re shall be no Minor Land Division splits permitted on the 75 acres.

2. Compliance with Applicable Site Development Standards: Complies

The 75 acres are relatively flat, consisting of largely grass, yuccas and some mesquite trees. There are two minor washes on the site. A hydrology study was previously completed. Floodplain has reviewed the report and have stated that with the existing plat, no additional information is needed. Adding lots or reconfigurations may require modifications which will be reviewed as part of the plat process. The site is large enough that it will be able to accommodate all applicable development standards.

3. Adjacent Districts Remain Capable of Development: Complies

This rezoning will not impede developed of any of the surrounding lots.

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



As discussed above, and can be seen visualay above, the rezoning is a logical transition between the existing small lot subdivision to the south and the larger 4 acre plus lots to the north.

6. Rezoning to More Intense Districts: Complies



The proposed Rezoning provides a logical transition from more intense residential zoning to rural residential zoning.

7. Adequate Services and Infrastructure: Complies with conditions

The site is located on Mescal Road. The County Engineer has reviewed the proposal and has not expressed concerns about the potential for seventeen additional lots. Exact driveway locations and improvements will be worked out either through the improvement plan stage or through the subdivision process and shall meet all County standards.

ADOT was also included on the transmittal and had no comments.

Based on the lot sizes of two acres or more it may be possible for the applicant to install, or allow to be installed in the future up to 37 new wells. Staff is very concerned about this potential and has included a condition that requires the applicants to provide a water system for the development. They shall either work with Mescal Lakes Water (Southwestern Utility Management) or establish a private water company. Individual private wells will not allowed in conjunction with a subdivision.

8. Traffic Circulation Criteria: Complies

Traffic generated by the proposed rezoning can be accommodated by future onsite roads built by the applicants and the existing improved Mescal Road.

9. Development Along Major Streets: Complies

The Rezoning could potentially allow for two (2) new intersections at Mescal Road, as was previously reviewed and approved. County Engineering will review all improvement plans and future subdivision to ensure compliance with County standards.

10. Infill: Not Applicable

This Factor applies only for rezoning requests to General Business, Light Industry or Heavy Industry.

11. Unique Topographic Features: Complies

There are no significant topographic features on the site aside from two washes. A drainage analysis was previously prepared and approved by County Floodplain.

12. Water Conservation: Complies with condition

The site is not located within the Sierra Vista sub watershed. As part of the Subdivision process the applicant will have to provide details on how water will be provided to the lots. The Subdivision Regulations allow for individual wells on lots of one (1) acre greater, however water is a critical to be able to



support development. Pursuant to the Subdivision regulations the applicant shall demonstrate which water conservation measure will be implemented in the project.

Condition:

1. Individual private wells will not allowed in conjunction with a subdivision. The applicants shall provide a water system for the development, either through Mescal Lakes Water (Southwestern Utility Management) or by establishing a private water company.

13. Public Input: Complies

The Applicant mailed notices to surrounding property owners and received three positive responses.

Staff mailed notices to neighboring property owners within 1,000 feet of the subject property on February 16, 2021, posted the property on February 16, 2021 and published a legal notice in the Herald/Review February 19, 2021. In response to County notification, the Planning Department has received one response in opposition which is included in the packet. The primary issue raised is the concern over water.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan, Master Development Plan or Comprehensive plan policies: Complies

The subject property is not located within an Area Plan or master Development Plan. The Comprehensive Plan designates the area as Rural. The Rural designation allows rezoning to RU-2 and is consistent. The proposed rezoning provides an appropriate transition between a denser subdivision and the large lots to the north. The property has direct access to paved, County maintained Mescal Road, electric and hone utilities. The applicant will need to work with Mescal Lakes to determine if they have capacity to provide service. The preference is for the subdivision to hook into the existing water District. Lots of two acres will provide sufficient room for rural activities experienced by other properties in the vicinity.

VI. 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 22 parcels totaling approximately 75 acres.

Factors in Favor of Approval

1. The request complies with Thirteen of the applicable Rezoning factors used by Staff to analyze this request;
2. The request provides a logical transition between the MH-72 Zoning district to the South and the RU-4 Zoning district to the north;
3. The request is consistent and compatible with the Comprehensive Plan;
4. The site was previously approved to be subdivided into 20 lots.

Factors Against Approval

1. One letter in opposition was received.

VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from RU-4 (Rural; one dwelling per four acres) to RU-2 (Rural; one dwelling per two acres) on 22 parcels totaling approximately 75 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. The applicant shall submit improvement plans for the existing plat or submit a request to abandon the plat within ninety (90) days of approval.
4. Any development of any of the 75 acres must be done in compliance with the County Subdivision standards. There shall be no Minor Land Division splits permitted on the 75 acres.
5. Pursuant to Resolution 08-20, the applicant shall provide a copy of the water adequacy letter from Arizona Department of Water Resources.
6. Any public right-of-way for Mescal Road established by the recording of the Buena Vista Ranchettes plat must either be preserved via the abandonment, a new deed of dedication or on the new plat.