



# Cochise County

## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Daniel Coxworth, AICP, Development Services Director  
**SUBJECT:** Docket RZ21-01 (Holland)  
**DATE:** April 14, 2021

### APPLICATION FOR A REZONING

The applicant requests a rezoning from SR-22 (Single-family Residential, one dwelling per 22,000 square feet) to RU-4 (Rural, one dwelling per 4 acres).

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

Applicant: Jarret Holland  
Location: 722 E Rising St, Pearce 85625  
APN: 115-05-276A and 115-05-280A  
Site Size: 5.84 Acres  
Current Zoning: SR-22 (Single-family Residential, one dwelling per 22,000 square feet)  
Proposed Zoning: RU-4 (Rural; one dwelling per 4 acres)  
Growth Area: D – Medium Density Residential  
Plan Designation: Rural  
Area Plan: None  
Existing Uses: No permanent structures  
Proposed Uses: Single Family Home and Accessory Structures Larger than home

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

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-22	Vacant
South	RU-4	Vacant
East	SR-22	Vacant
West	SR-22	Vacant

### **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**

Violation 21-001743: Living in an RV and storing a tractor and other vehicles without principal dwelling.

**III. NATURE OF REQUEST**

The applicant is requesting to amend the zoning of their parcel from SR-22 to RU-4. The area is rural and largely vacant, with a few scattered single-family homes. RU-4 zoning adjoins this property to the south, and with existing development patterns, the RU-4 designation is appropriate. A downzoning will not have any negative impacts on the surrounding properties.

**IV. 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" Medium Density Residential. The rezoning is located in a rural area, with RU-4 zoning occurring to the south. The Comprehensive Plan allows for a downzoning to RU-4.

**V. 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. Still, the parcel would be eligible for the full range of allowed principal, accessory, and Special Uses per Article 6 of the Zoning Regulations.

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 parcels exceed 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 on larger lots. The downzone 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 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 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 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 was not required to complete a Citizen Review. Staff mailed notices to neighboring property owners within 300 feet of the subject property in March 2021. Staff posted the property on March 24, 2021, and published a legal notice in the Herald/Review on March 15, 2021. 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: Complies**

The subject property is not located within an area plan; however, the Comprehensive Plan designates the area as medium-density residential. RU-4 is consistent and compatible with the comprehensive plan and surrounding properties.

**VI. SUMMARY AND CONCLUSION**

The request is for a downzoning from SR-22 (Single-Family Residential; one dwelling per 22,000 square feet) to RU-4 (Rural; one dwelling per four acres) 5.84-acre site in a fairly remote area in Pearce. The area is characterized by open expanses and widely scattered residential development.

**Factors in Favor of Approval**

1. The request complies with eleven 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**

None identified.

**VII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends forwarding the rezoning request, from SR-22 to RU-4 (Rural; one dwelling per four acres) on a 5.84-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. Combine parcels 115-05-276A and 115-05-280A

*Sample Motion*

*Mr. Chairman, I move to recommend approval to the Board of Supervisors Rezoning, RZ21-01 (Holland) located on parcels 115-05-276A and 115-05-280A, with the Conditions of Approval recommended by Staff; the Factors in Favor of Approval constituting the Findings of Fact.*