



# 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 RZ21-09 (Klein)  
**DATE:** June 9, 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

#### **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

#### **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**

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**

Based on the factors in favor of approval, staff recommends forwarding the rezoning request, from SR-43 to SR-174 on a 5.56-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.

*Sample Motion*

*Mr. Chairman, I move to recommend approval to the Board of Supervisors Rezoning, RZ21-09 located on parcel 116-09-400A, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*