



Cochise County

Development Services

Public Programs...Personal Service
www.cochise.az.gov

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Robert Kirschmann, Planner II
SUBJECT: Docket RZ21-16 (Cloudburst)
DATE: November 29, 2021

APPLICATION FOR A REZONING

The applicant requests a rezoning from SR-22 (Single-Household 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: Mr. Donald Kolinski
Location: South of E Cloudburst Road, north of E Which Way, east of S Tracy Rd and west of S Conestoga Ln
APN: 114-30-183-185 and 114-30-190 and 191
Parcel Size: 4.2 Acres
Current Zoning: SR-22 (Single-Household Residential, one dwelling per 22,000 square feet)
Proposed Zoning: RU-4 (Rural; one dwelling per 4 acres)
Growth Area: D – Rural Areas
Plan Designation: Rural
Area Plan: None
Existing Uses: Vacant
Proposed Uses: Single Family Home

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-22	Vacant
South	SR-22	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

None

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. The applicant is requesting the amendment to construct a small home, accessory buildings, and farm. 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 take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "D" Rural Area. The Comprehensive Plan allows for downzoning's to RU-4. The Mid Sulphur Springs Valley Area Plan designates the area as Medium Density Residential.



Compliance with Rezoning Criteria

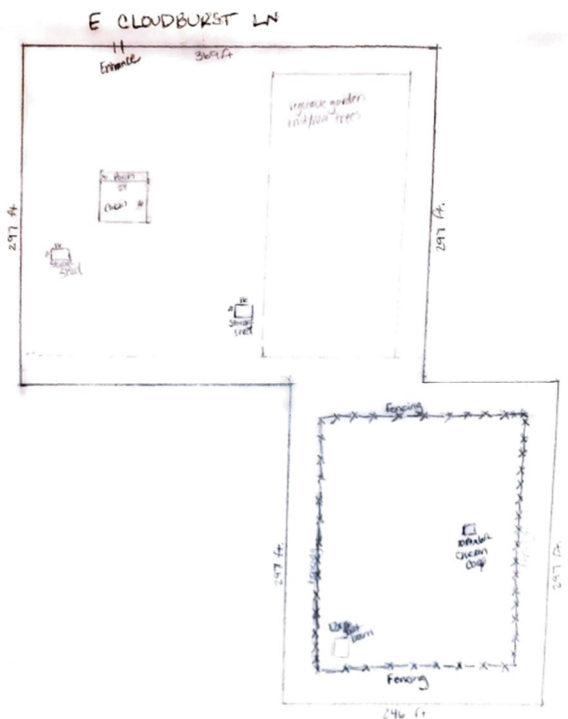
Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests.

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

The proposal is intended to facilitate standard, rural home site development, but the parcel would be eligible for the full range of allowed Principal, Accessory, and Special Uses per Article 6 of the Zoning Regulations. The Rezoning to RU-4 is to allow the applicant's to be able to opt-out of Building Code and allow a rural living consisting of farming and animal raising. The RU designation does permit manufactured homes, which is a concern raised by citizens.

2. Compliance with Applicable Site Development Standards: Complies

The proposed parcel exceeds 4 acres. The proposed home and accessory structures will be able to meet 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 one nearby home. The downzone to larger lots will be compatible with current development patterns of the general area. NO letters in opposition have been received.

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 with condition

The current road network is in poor condition. Four-wheel drive/ high clearance is required to access the property. There is no County Maintenance of the area roads. This request will reduce the potential traffic on the area roads.

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. Rezoning from SR-22 to RU-4 would decrease the permitted density, with a corresponding decrease in potential traffic. However, the winey could result in modest increase in area 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 with condition

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 1000 feet of the subject property on November 1, 2021. Staff posted the property on November 3, 2021 and published a legal notice in the Herald/Review November 7, 2021. The Department received no written responses.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Does Not Comply

The subject property lies within the Mid-Sulphur Springs Valley Area Plan. In the Area Plan, this parcel is designated as Medium Density Residential, which the plan defines as lot sizes of 12,000-square feet to two-acres. While the proposed zoning does not match this designation, it does match the actual pattern of development in the area, where most of the existing homes sit on four or more acres.

IV. SUMMARY AND CONCLUSION

The request is for a downzoning, from SR-22 (Single-Household Residential, one dwelling per 22,000) to RU-4 (Rural; one dwelling per four acres) on an 4.2-acre site in Sunsites. 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

1. The request does not comply with one factor.

V. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the rezoning request, from SR-22 (Single-Household Residential, one dwelling per 22,000) to RU-4 (Rural; one dwelling per four acres) on an 4.2-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.