



# Cochise County

## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Robert Kirschmann, Planner II  
**FOR:** Dan Coxworth, Development Services Director  
**THROUGH:** Richard Karwaczka, County Administrator  
**SUBJECT:** Docket RZ21-16 (Cloudburst)  
**DATE:** December 22, 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).

The Planning and Zoning Commission recommended approval to the Board of Supervisors at their meeting of December 8, 2021.

### 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

### **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	SR-22	Vacant
West	SR-22	Vacant

**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**

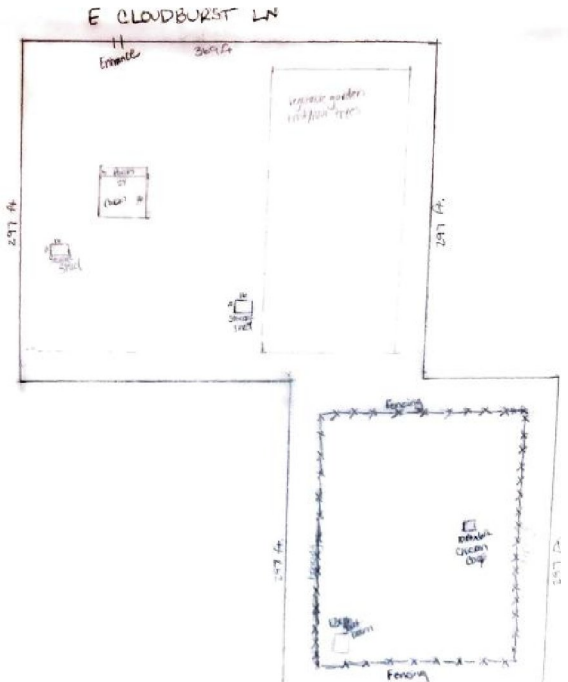
If approved, the rezoning would not create any non-conforming land uses.

**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.





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.

**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 winery could result in modest increase in area traffic.

**9. Development Along Major Streets: Not Applicable**



**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.