



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 RZ22-01 (Ute)
DATE: March 10, 2022

APPLICATION FOR A REZONING

The applicant requests a rezoning from RU-2 (Rural, one dwelling per 2 acres) to RU-4 (Rural, one dwelling per 4 acres).

The Planning and Zoning Commission unanimously recommended approval of the application at their meeting of March 9, 2022.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicant: Ms. Kendra Lea Bailey
Location: North Ute Trail between Walapi and West Mojave Streets, Elfrida
APN: 404-02-025
Parcel Size: 5.04 Acres
Current Zoning: RU-2 (Residential; one dwelling per 2 acres)
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	RU-2	Vacant
South	RU-2	Vacant
East	RU-2	Vacant
West	RU-2	Vacant

Planning, Zoning and Building Safety

1415 Melody Lane, Building F
Bisbee, Arizona 85603
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II. PARCEL HISTORY

None

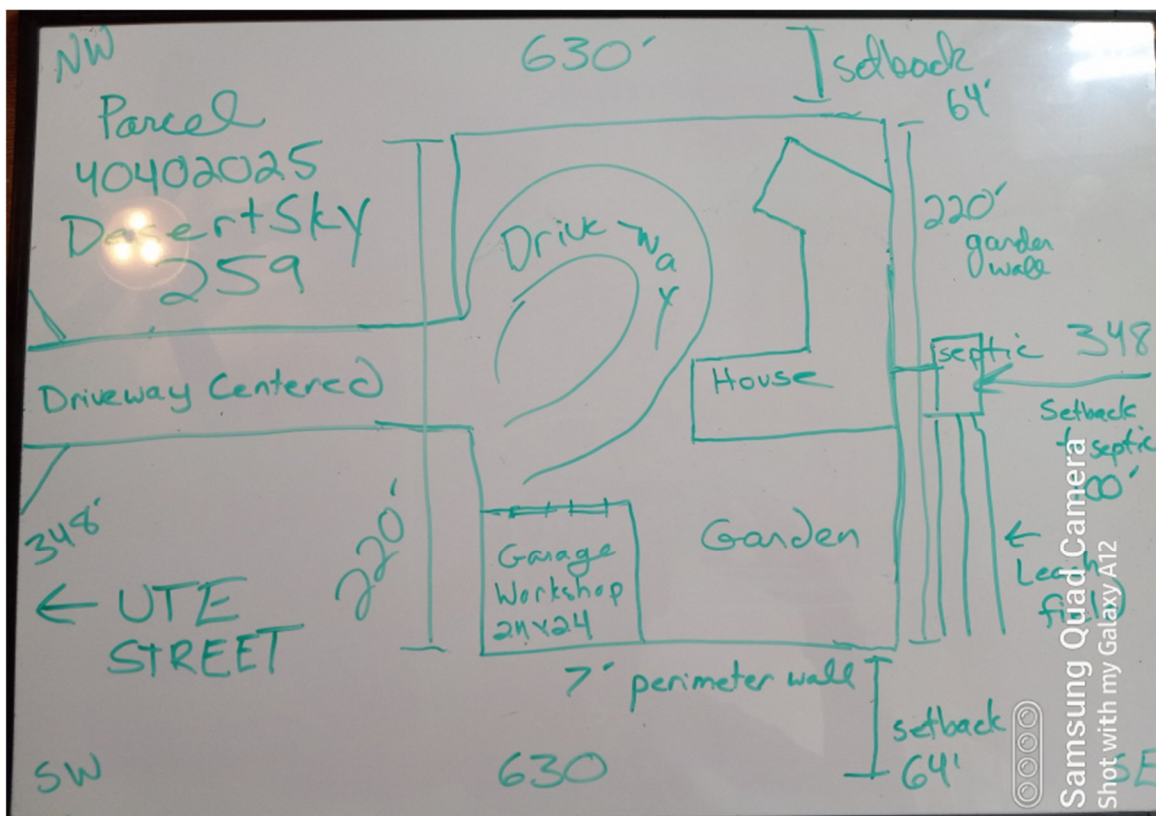
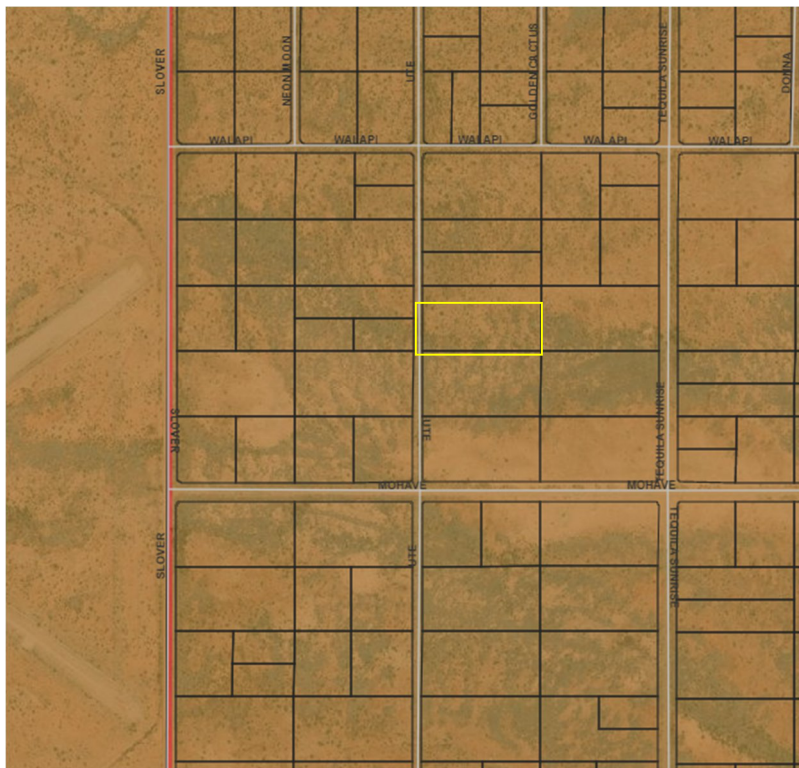
III. NATURE OF REQUEST

The applicant is requesting to amend the zoning of their parcel from R-2 to RU-4. The area is rural and largely vacant, with a few scattered single-family homes. Many of properties in the area exceed 4 acres, with a few exceptions. However, given the existing development patterns, the RU-4 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 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 other rezoning to RU-4 occurring. The Comprehensive Plan allows for a downzoning to RU-4.

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 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. Though, it does not impact this request, it should be noted that there are two lots to the west of this parcel that are 1.25 acres, and do not meet the minimum 2-acre requirement of the existing zoning.



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 and will not require right-of-way dedication or off-site improvements. Rezoning from RU-2 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 on February 7, 2022. Staff posted the property on February 15, 2022, and published a legal notice in the Herald/Review February 11, 2022. 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 Rural. RU-4 is consistent and compatible with the comprehensive plan and surrounding properties.



IV. SUMMARY AND CONCLUSION

The request is for a downzoning, from RU-2 (Rural; one dwelling per two acres) to RU-4 (Rural; one dwelling per four acres) on a 5.04-acre site in a fairly remote area in McNeal. 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.

V. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the rezoning request, from RU-2 (Rural; one dwelling per 2 acres) to RU-4 (Rural; one dwelling per four acres) on a 5.04-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.