



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 RZ22-03 (Bianco)
DATE: March 25, 2022, for the Meeting of April 13, 2022

APPLICATION FOR A REZONING

The applicant requests a rezoning from R-36 (Residential one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per 4 acres).

The Planning and Zoning Commission unanimously recommended approval of the application at their meeting of April 13, 2022.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicant: Mr. Kimberly Bianco
Location: Unnamed Street east of Elfrida
APN: 403-54-354 and 355
Parcel Size: 5.02 Acres
Current Zoning: R-36 (Residential, one dwelling per 36,000 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: Permitted Single Family Home

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Vacant
South	R-36	Vacant
East	R-36	Vacant
West	R-36	Vacant

Planning, Zoning and Building Safety

1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
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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-36 to RU-4. The area is very rural and vacant. The applicant is requesting the amendment to permit a small home and accessory buildings. 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.

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 to be able to opt-out of Building Code and allow a rural living consisting of farming and animal raising.



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.

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

infrastructure. The applicant will be responsible for verifying legal and putting in physical access to the parcel. 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

As mentioned above the downzoning will reduce the permitted density to a more appropriate designation for that area. Rezoning from R-36 to RU-4 would decrease the permitted density,

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 March 7, 2022. Staff posted the property on March 14, 2022, and published a legal notice in the Herald/Review March 11, 2022. The Department received no responses.

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 R-36 (Residential, one dwelling per 36,000) to RU-4 (Rural; one dwelling per four acres) on a 5.02-acre site near Elfrida. 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. None identified.

V. RECOMMENDATION

Based on the factors in favor of approval, the Planning Commission recommends approval of the rezoning request, from R-36 (Residential, one dwelling per 36,000) to RU-4 (Rural; one dwelling per four acres) on a 5.02-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. The two parcels shall be merged prior to building permit submittal.