



# 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 RZ22-07 (Flynn)  
**DATE:** May 17, 2022, for the Meeting of June 7, 2022

### APPLICATION FOR A REZONING

The applicant requests a rezoning from R-18 (Residential one dwelling per 18,000 square feet) to RU-4 (Rural, one dwelling per 4 acres).

The Planning and Zoning Commission recommended approval of the request at their meeting of May 10, 2022.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicant: Mr. Randy Wooten  
Location: 591 S Flynn Road  
APN: 121-15-060  
Parcel Size: 4.76 Acres  
Current Zoning: R-18 (Residential, one dwelling per 18,000 square feet)  
Proposed Zoning: RU-4 (Rural; one dwelling per 4 acres)  
Growth Area: D – Rural  
Plan Designation: Rural Residential  
Area Plan: Saint David Area Plan  
Existing Uses: Single family home  
Proposed Uses: Same with additional shop buildings

### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-18	Vacant
South	R-18	Vacant
East	R-18	Vacant
West	RU-4	Rural Residential

### **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**

SFR built around 1930

**III. NATURE OF REQUEST**

The applicant is requesting to amend the zoning of their parcel from R-18 to RU-4. The area is developed as rural residential. The applicant is requesting the amendment to permit a small accessory buildings. A downzoning will not have any negative impacts on the surrounding properties.

**Mandatory Compliance**

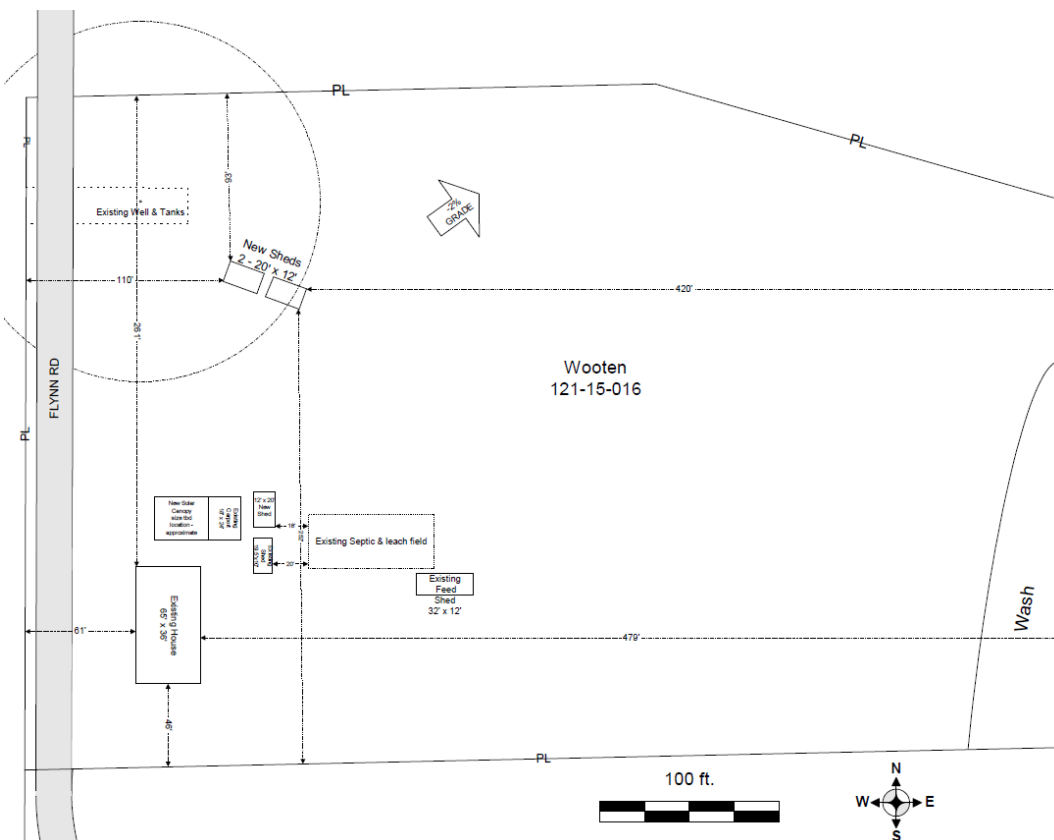
Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "D" Rural Residential. The Comprehensive 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 existing structures and the proposed 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 residential area. The downzone to a larger lot will be compatible with current development patterns of the general area. Surrounds lots in size from 1.5 acres to well in excess of 5 acres.

**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 applicant is located on a county maintained paved road. During the permitting process the right-of-way department will verify drive locations and determine if a permit is required. 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 April 7, 2022. Staff posted the property on April 19, 2022, and published a legal notice in the Herald/Review April 13, 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 located within the Saint David Area Plan; which encourages rural residential development.

**IV. SUMMARY AND CONCLUSION**

The request is for a downzoning, from R-18 (Residential, one dwelling per 18,000) to RU-4 (Rural; one dwelling per four acres) on a 4.76-acre site in Saint David. The area is characterized by open expanses and rural 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-18 (Residential, one dwelling per 18,000) to RU-4 (Rural; one dwelling per four acres) on a 4.76-acre parcel to the, 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.