



MEMORANDUM

TO: Board of Supervisors
FROM: Dan Coxworth, Director
THROUGH: Richard Karwaczka, County Administrator
SUBJECT: Docket RZ22-19
DATE: November 29, 2022

APPLICATION FOR A REZONING

The Applicant, Kirk Steven, is requesting to rezone a portion of parcel 105-05-303 from SR-12 (Single-Family Residential, one dwelling per 12,000 square feet) to GB (General Business).

This request will rezone the southern portion of the parcel so that the entire parcel is located in the GB Zoning District. It is essentially realigning the zoning boundary to match the parcel boundary so it does not cross the property, leaving the south portion undevelopable. The proposed use of the property is additional residential dwellings.

Red is GB, Yellow is SR-12, Blue is MR-1



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I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicant: Kirk Steven
 Location: 920 - 926 South Highway 92, Sierra Vista
 APN: 105-05-303
 Area Size: ~7,000 square feet, the area to be rezoned to GB
 Current Zoning: SR-12 (Single-Family Residential, one dwelling per 12,000 square feet) and GB (General Business)
 Proposed Zoning: GB (General Business)
 Growth Area: A
 Plan Designation: Enterprise
 Existing Uses: Three-plex plus a manufactured home
 Proposed Uses: Up to two more single-family homes

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	GB	Commercial
South	SR-12	Single Family Residence
East	GB	Animal Doctor/Commercial
West	SR-12 and MR-1	Single Family Residence and Vacant



II. PARCEL HISTORY

None

Mandatory Compliance

Section 2208.03 of the Zoning Regulations requires that the Zoning District boundaries be amended 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 "A" designated as Enterprise. General Business zoning is allowed in areas designated as Enterprise.

III. Compliance with Rezoning Criteria Section 2208.03 of the Zoning Regulations provides fifteen criteria for evaluating rezoning requests.

Provides an Adequate Land Use/Concept Plan: Complies

The proposed rezoning is intended to facilitate additional residential development on the site, but the parcel would be eligible for the full range of allowed Principal, Accessory, and Special Uses per Article 12 General Business of the Zoning Regulations. General Business Zoning allows for Single and Multiple Household Dwellings not to exceed a density of one dwelling unit per 3,600 square feet.

2. Compliance with Applicable Site Development Standards: Complies

The proposed parcel is .78 of an acre. 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 Sierra Vista and complies with other residential development in the area.

6. Rezoning to More Intense Districts: Complies

Although GB Zoning is more intense than the current residential zoning, the proposed use of the property is residential.

7. Adequate Services and Infrastructure: Complies

The site size will limit the number of homes that can be constructed on the property since the existing homes are on septic and not connected to the City sewer. All other services and infrastructure are adequate for the proposed residential uses.

8. Traffic Circulation Criteria: Complies

Access to the property is from Highway 92, using an existing easement on parcel 105-05-123

9. Development Along Major Streets: Not Applicable

The parcel will utilize an existing easement from Highway 92

10. Infill: Complies

This factor applies to rezoning requests for General Business. Although a proposed residential use, this project is considered an infill.

11. Unique Topographic Features: Complies

No unique topographic features exist that will prevent the development of the property.

12. Water Conservation: Complies

Existing water company serves the property.

13. Public Input: Complies

Staff mailed notices to neighboring property owners within 300 feet of the subject property. Staff posted the property on October 28, 2022, and published a legal notice in the Herald/Review. The Department received no written responses.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Not Applicable

The subject property is not located within an area plan.

IV. SUMMARY AND CONCLUSION

Factors in Favor of Approval

1. The request complies with thirteen 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

The Planning & Zoning Commission, at their regular meeting on November 9, 2022, voted unanimously to recommend **approval** of RZ21-19.

Based on the factors in favor of approval, Staff recommends forwarding the rezoning request from SR-12 to General Business (GB) on a .78-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 additional conditions that may apply to the proposed use pursuant to other federal, state, or local laws or regulations.