



Cochise County

Development Services

Public Programs...Personal Service
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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Robert Kirschmann, Planner II
SUBJECT: Docket RZ22-07 (Flynn)
DATE: April 26, 2022, for the Meeting of May 11, 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).

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

II. PARCEL HISTORY

SFR built around 1930

Planning, Zoning and Building Safety

1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
planningandzoning@cochise.az.gov

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

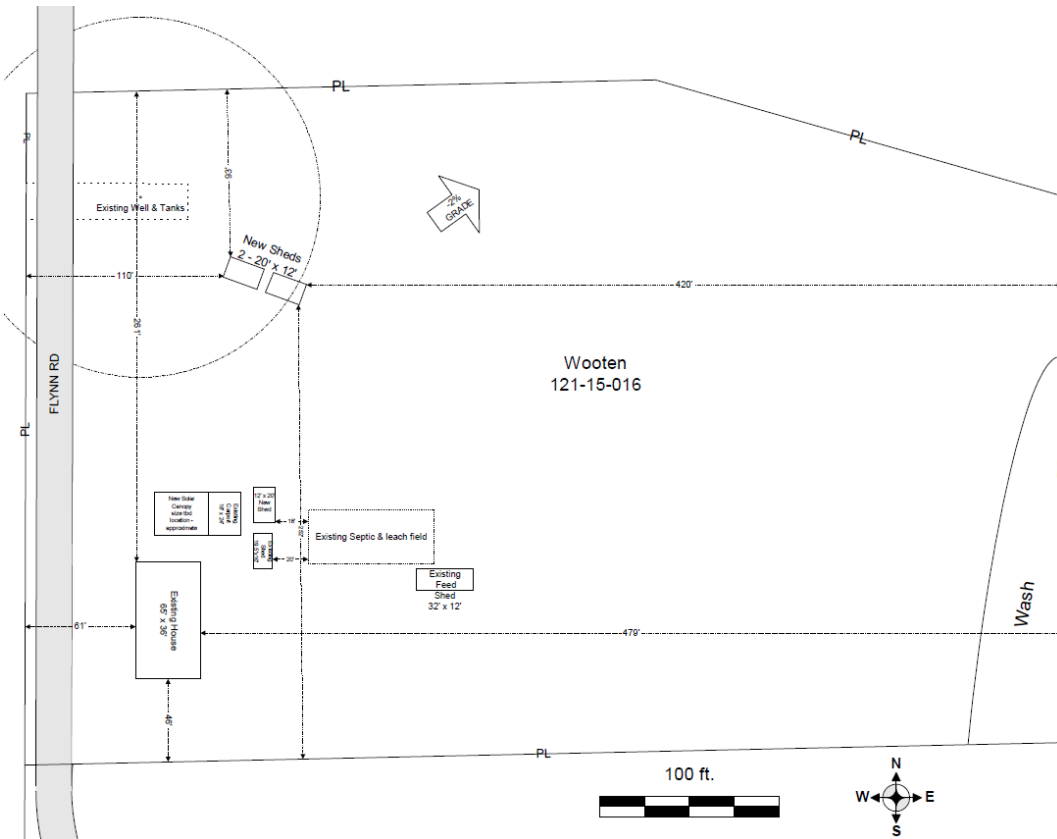
Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "D" Rural Residential. The Comprehensive 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 range 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, Staff recommends forwarding 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 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.