



**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Robert Kirschmann, Planner II  
**SUBJECT:** Docket RZ22-14 (North)  
**DATE:** July 28, 2022 for the Meeting of August 10, 2022

**APPLICATION FOR A REZONING**

The applicant requests a rezoning from SR-43 (Single Household Residential one dwelling per 43,000 square feet) to RU-4 (Rural, one dwelling per 4 acres).

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

Applicant: Ms. Linda Cain  
 Location: Northeast corner of North Road and Amherst Street.  
 APN: 122-03-024, 25, 26  
 Parcel Size: 4.28 Acres  
 Current Zoning: SR-43 (Single Household Residential, one dwelling per 43,000 square feet)  
 Proposed Zoning: RU-4 (Rural; one dwelling per 4 acres)  
 Growth Area: D – Rural Areas  
 Plan Designation: Rural  
 Area Plan: Mid Sulphur Springs Valley Area Plan  
 Existing Uses: Vacant  
 Proposed Uses: Permitted Single Family Home

**Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-43	Vacant
South	SR-43	Vacant
East	SR-43	Vacant
West	SR-43	Vacant



undeveloped land.

**Compliance with Rezoning Criteria**

Section 2208.03 of the Zoning Regulations provides fifteen criteria to evaluate rezoning requests.

**1. Provides an Adequate Land Use/Concept Plan: Complies**

The proposal will facilitate standard rural home site development. The parcels would be eligible for the full range of allowed principal, accessory, and Special Uses per Article 6 of the Zoning Regulations.

**2. Compliance with Applicable Site Development Standards: Complies**

The site exceeds 4 acres. Therefore, the proposed home will meet all required development standards.

**3. Adjacent Districts Remain Capable of Development: Complies**

Surrounding properties remain able to develop. There is RU-4 Zoning, including a recently approved rezoning in close proximity to this one.

**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**

**II. PARCEL HISTORY**

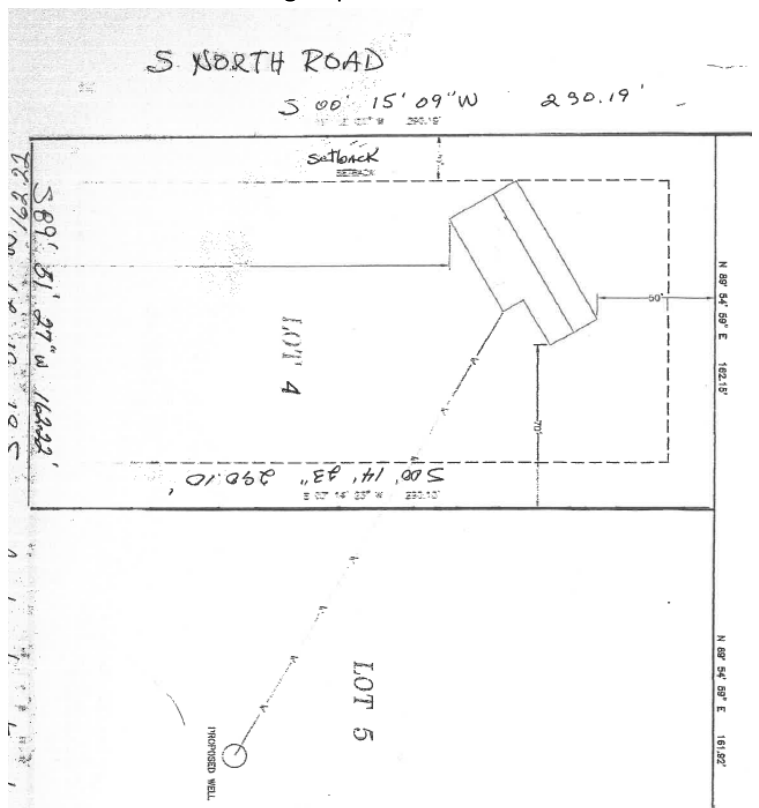
None

**III. NATURE OF REQUEST**

The applicant is requesting to amend the zoning of their parcel from SR-43 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 comply with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "D" Medium Density Residential. The parcels are located within the Mid-Sulphur Springs Valley Community Plan. These parcels are located well outside the developed Village. The area surrounding the rezoning is largely vacant,





The parcels are located in a rural area with very scattered single-family homes on larger lots. The downzone to larger lots will be compatible with the surrounding development.

**6. Rezoning to More Intense Districts: Not Applicable**

This request is for a downzoning, which will reduce the permitted density.

**7. Adequate Services and Infrastructure: Complies**

The parcels 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. Rezoning from SR-43 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 for 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**

This proposed downzoning would reduce permitted maximum density, and potential water usage could decrease.

**13. Public Input: Complies**

As a downzoning, the applicant is not required to complete a Citizen Review. Staff mailed notices to neighboring property owners within 300 feet of the subject properties July 7, 2022 and published a legal notice in the Herald/Review. On July 12, 2022 staff posted the property. The Department received no responses.

**14. Hazardous Materials: Not Applicable**

No hazardous materials are proposed.



**15. Compliance with Area Plan: Does Not Comply**

The subject properties are within the Sulphur-Springs Area Plan and designated as medium-density residential. Because of the lack of infrastructure in the area, the RU-4 zoning is consistent and compatible with existing development patterns, and downzoning in this area should be encouraged.



**IV. SUMMARY AND CONCLUSION**

The request is for a downzoning, from SR-43 (Single Household Residential, one dwelling per 43,000) to RU-4 (Rural; one dwelling per four acres) on a 4.14-acre site near Bisbee. The area is characterized by open expanses and widely scattered residential development.



**Factors in Favor of Approval**

1. *The request complies with ten 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. *Does not comply with the Sulphur Springs Valley Area Plan*

**V. RECOMMENDATION**

Based on the factors in favor of approval, staff recommends forwarding the rezoning request from SR-43 to RU-4 to the Board of Supervisors with a recommendation of **conditional approval**.

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. All parcels shall be merged prior to submittal of any permits.

*Sample Motion:*

*Mr. Chairman, I move to recommend approval to the Board of Supervisors Rezoning, RZ22-14 (North) located on parcels 122-03-024, 25, 26, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*