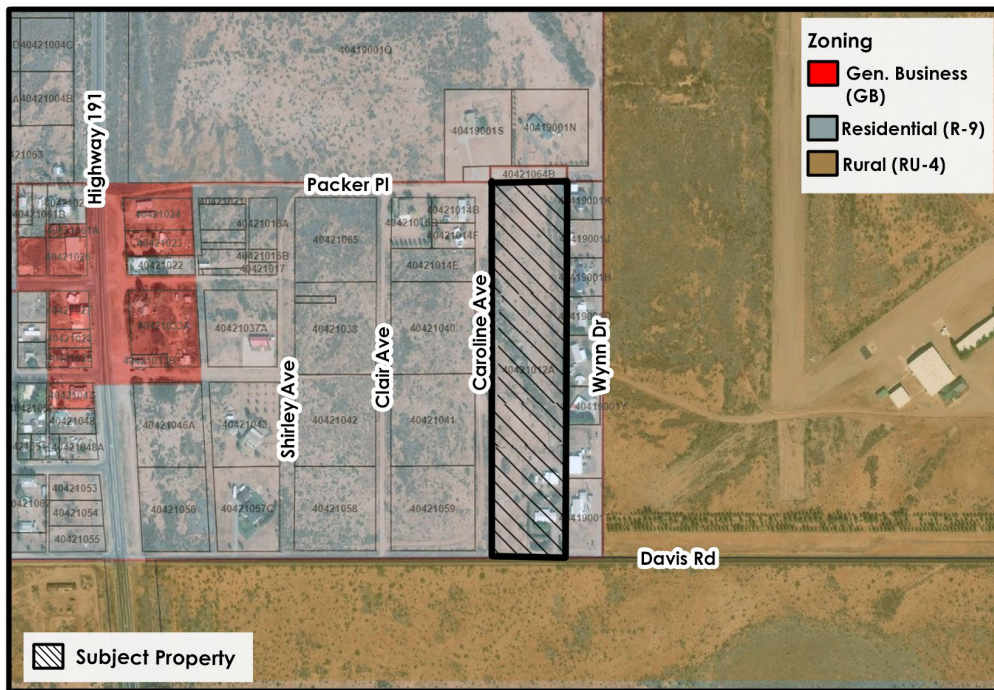


MEMORANDUM

TO: Cochise County Board of Supervisors
FROM: Christine Mclachlan, Planner II
FOR: Dan Coxworth, Development Services Director
THROUGH: Richard Karwaczka, County Administrator
SUBJECT: Docket RZ22-23 (Done, Davis Road)
DATE: January 12, 2023 for January 24, 2023 meeting

APPLICATION FOR A REZONING

The Applicant, Laura Done, is requesting to rezone parcel 404-21-012A from R-9 (Residential, one dwelling per 9,000 square feet) to RU-4 (Rural, one dwelling per 4-acres). The parcel is currently developed with one single family dwelling and associated storage/accessory uses. The applicant does not propose any additional development. The applicant requests the rural zoning on the subject property to refinance the property using a USDA Home Purchase Loan.



Location and Zoning
RZ 22-23 Done, Davis Rd



I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicant:	Laura Done
Location:	3876 W. Davis Rd., McNeal, AZ 85617
APN:	404-21-012A
Size:	10.13 acres
Current Zoning:	R-9 (Residential, one dwelling per 9,000 square feet)
Proposed Zoning:	RU-4 (Rural, one dwelling per 4-acres)
Growth Area:	D
Plan Designation:	Rural
Existing Uses:	Single Family Residential
Proposed Uses:	Same, no changes

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-9	Residential
South	RU-4	Vacant
East	R-9	Residential
West	R-9	Vacant/Residential

II. PARCEL HISTORY

- Temporary RV permit (9/17/04)
- Septic permit (1/2/00)
- Storage building/workshop (10/8/99)
- Mobile home, constructed and permitted 1996
- Well permit (9/28/95)
- Single family home, constructed 1963

Mandatory Compliance: Complies

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 "D" designated as Rural. R-9 (Residential, one dwelling per 9,000 SF) is not a permitted zoning designation within D-Rural land use. The proposed zoning of RU-4 (Rural, one dwelling per 4-acres) would bring the zoning into compliance with the land use.

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

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

The proposed rezoning is intended to make the subject property eligible for financing with a USDA Home Purchase Loan. It has a single-family home on the parcel and no additional construction is proposed at this time. If the rezoning is approved, the parcel would be eligible for the full range of allowed Principal, Accessory, and Special Uses

per Article 6 Rural Zoning of the Zoning Regulations. RU-4 zoning requires a minimum lot size of 4-acres. Overall, it allows for a much greater range of permitted and special uses than the current R-9 designation. It also breaks the existing zoning block pattern of R-9 north of Davis Rd, west of Wynn Drive. On the other hand, it expands the RU-4 zoning district, immediately adjacent to the south of Davis Road.

2. Compliance with Applicable Site Development Standards: Complies

The proposed parcel is 10.13-acres. The existing home and accessory structures meet RU-4 development standards, and no uses would be rendered non-conforming. The proposed zoning would permit up to two single family dwellings on the parcel.

3. Adjacent Districts Remain Capable of Development: Complies

The proposed District would not reduce the adjoining Zoning Districts in size or shape. 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 subject parcel is in McNeal and is residentially developed. It is surrounded by a mix of residential development, vacant land. It's also close to Ethnos Aviation, which has an RV camp and airstrip.

6. Rezoning to More Intense Districts: Not Applicable

The proposed amendment is to a less intensive district.

7. Adequate Services and Infrastructure: Not applicable

This factor is used to determine if there are adequate services and infrastructure to serve an intensification of zoning. The proposed RU-4 zoning is significantly less intense than the current R-9 zoning. Under the current zoning, the construction of over 40 homes would be permissible. There is no community water system or sewer in the area and that level of permitted development would be a strain on utilities and infrastructure in the area. The proposed RU-4 zoning is more appropriate given the extent of existing utilities and infrastructure.

8. Traffic Circulation Criteria: Complies

Access to the property is from Davis Rd, from an existing driveway. No changes are proposed.

9. Development Along Major Streets: Complies

The parcel will use an existing driveway off Davis Road, which is a county-maintained major collector. This portion of the road is paved. If the proposed rezoning is approved, only two dwellings would be permitted. No additional access points from Davis Road are proposed.

10. Infill: Not Applicable

This factor applies to rezoning requests to General Business and industry zoning only.

11. Unique Topographic Features: Complies

Approximately three acres on the northernmost portion of the property is within a floodplain. There is no existing or proposed development in this area. The less intense proposed RU-4 designation is more appropriate than the current R-9 designation given the presence of floodplain.

12. Water Conservation: Complies

The property is served by public well. No additional development is proposed.

13. Public Input: Complies

Staff mailed notices to neighboring property owners within 300 feet of the subject property. Staff posted the property on December 27, 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 all the applicable rezoning factors used to analyze rezoning requests;
2. The current zoning (R-9) would allow over 40 single family homes, which would be a strain on utilities and infrastructure;
3. Approximately 3 acres of the property is within the floodplain, the less intense RU-4 designation limits future development potential;
4. The request is an expansion of RU-4 zoning to the south, immediately adjacent; and
5. The proposed RU-4 designation is a permitted designation in D-Rural land use, while the current R-9 designation is not.

Factors Against Approval

1. Rural zoning allows a greater range of uses not permitted within residential zoning; and
2. It breaks the existing zoning pattern of R-9 north of Davis Rd, west of Wynn Drive.

V. RECOMMENDATION

Based on the factors in favor of approval, Staff and the Planning and Zoning Commission recommend forwarding the rezoning request from R-9 to RU-4 on a parcel to the Board of Supervisors with a recommendation of **approval**, subject to the following condition:

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.

This item was heard by the Planning and Zoning Commission on January 11, 2023. The Commission voted (5-0) to recommend approval to the Board of Supervisors.