



**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 RZ23-06 (Dill)  
**DATE:** May 11, 2023 for the Meeting of May 23, 2023

**APPLICATION FOR A REZONING**

The applicant requests a rezoning from R-36 (Residential one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per 4 acres).

The Planning and Zoning Commission unanimously recommended approval to the Board of Supervisors at their meeting of May 10, 2023.

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

Applicant: Mr. Seth Wilson  
 Location: 1050 South Dill Road, Benson  
 APN: 123-37-007  
 Parcel Size: 5 Acres  
 Current Zoning: R-36 (Residential, one dwelling per 36,000 square feet)  
 Proposed Zoning: RU-4 (Rural; one dwelling per 4 acres)  
 Growth Area: D – Rural Areas  
 Plan Designation: Rural Residential  
 Area Plan: None  
 Existing Uses: Recreational vehicle, and outbuildings  
 Proposed Uses: Permitted Single Family Home

**Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Vacant/ Agriculture
South	RU-4	Vacant/ Agriculture
East	R-36	Vacant/ Agriculture
West	R-36	SFR/ Agriculture

**Planning, Zoning and Building Safety**

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

The proposed parcel exceeds 4 acres. 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 a rural area with scattered homes nearby. The downzone to larger lots will be compatible with current development patterns of the general area.

**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 will be responsible for verifying legal access to the parcel. There is no County Maintenance of Dill Road. 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**

The parcel is located on the San Pedro River with a large floodplain and erosion hazard setback. The current permitted density is not appropriate based on these physically limiting factors.

**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, 2023. Staff posted the property on April 7, 2023, and published a legal notice in the Herald/Review April 12, 2023. The Department received no responses



**14. Hazardous Materials: Not Applicable**

**15. Compliance with Area Plan: Complies**



The subject property is not within an area plan. It complies with the goals and policies of the comprehensive plan and will preserve the natural landscape and reduce overall density along the San Pedro River.

**IV. SUMMARY AND CONCLUSION**

The request is for a downzoning, from R-36 (Residential, one dwelling per 36,000) to RU-4 (Rural; one dwelling per four acres) on a 5-acre site in Benson. The area is characterized by open expanses, agricultural uses and widely scattered 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 and Zoning Commission at their meeting of May 10, 2023 recommended forwarding the rezoning request, from R-36 (Residential, one dwelling per 36,000) to RU-4 (Rural; one dwelling per four acres) on a 5-acre parcel to the Board of Supervisors with a recommendation of **approval**.