

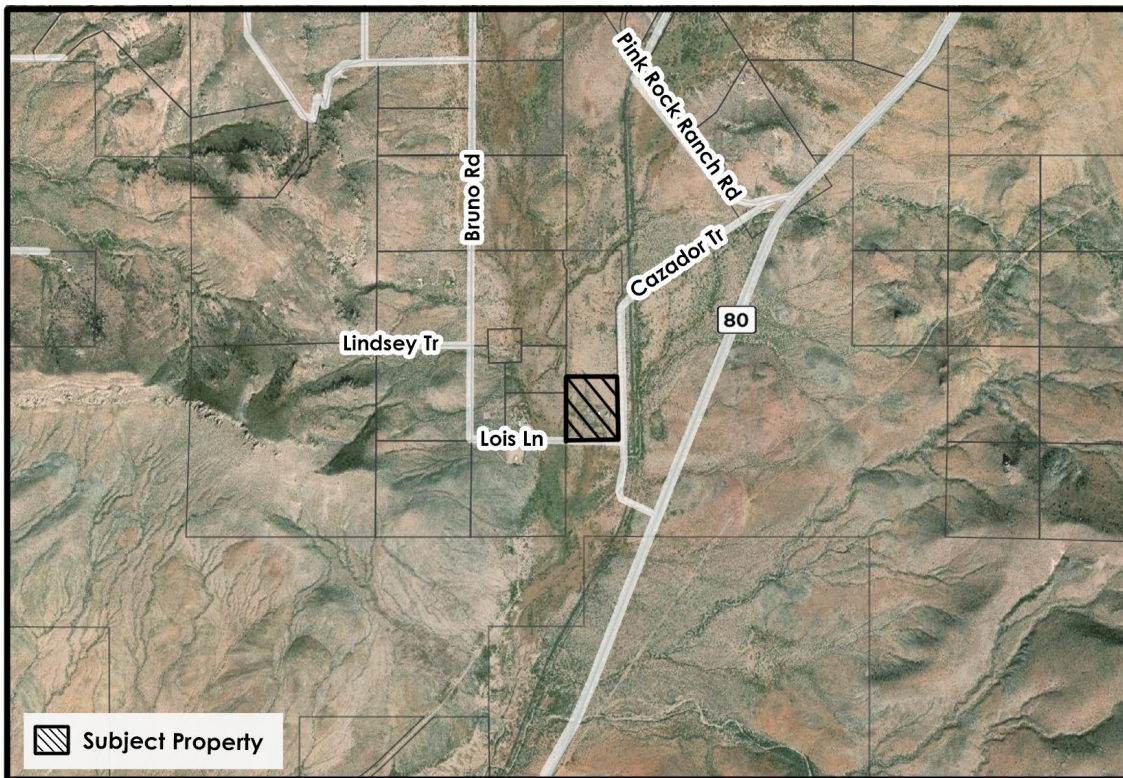
MEMORANDUM

TO: Cochise County Board of Supervisors
FROM: Christine Mclachlan, AICP, Planning Division Manager
FOR: Richard Karwaczka, County Administrator
SUBJECT: Docket RZ23-13 (Cazador Tr)
DATE: July 13, 2023 for July 25, 2023 meeting

APPLICATION FOR A REZONING

The applicant, Marco Noriega, requests a rezoning from RU-10 (Rural, one dwelling per 10-acres) to RU-4 (Rural, one dwelling per 4-acres) on APN 405-77-046A, which is 15 acres. This property is developed and is intended to remain residential. The applicant requests the rezoning to facilitate the future transfer and split of the property to his children.

Figure 1: Location



Location
 RZ 23-13 Cazador Trail



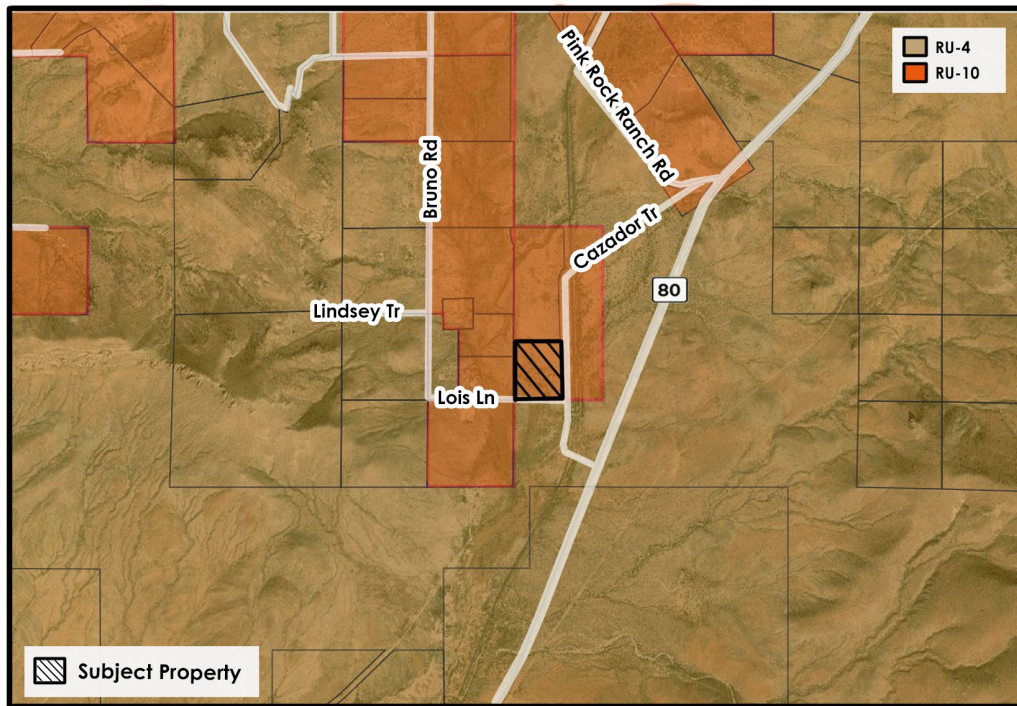
I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicant: Marco Noriega
 Location: 7124 North Cazador Trail
 APN: 405-77-046A
 Size: 15.00 acres
 Current Zoning: RU-10 (Rural, one dwelling per 10 acres)
 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	RU-10	Low Density Residential
South	RU-4	Undeveloped/State Trust land
East	RU-10	Undeveloped
West	RU-10	Low Density Residential

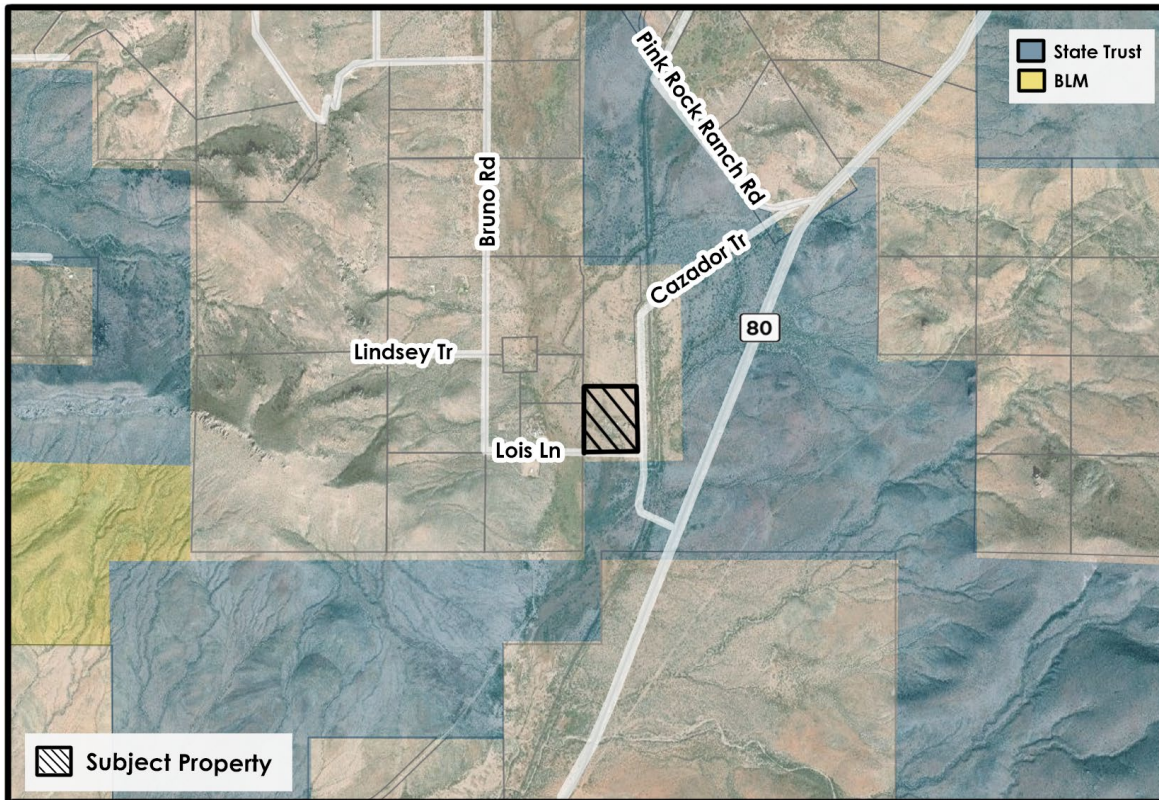
Figure 2: Zoning



II. PARCEL HISTORY

- Mobile home addition, electric panel upgrade and septic permit (1/25/2015)
- ALQ permit (7/1/2014)
- Single family residential permit (4/15/2002)
- Mobile home permit, addition (8/23/2001)
- Mobile home permit, (4/10/2001)

Figure 3: Public and Private Land



Public and Private Land
RZ 23-13 Cazador Trail



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. Both the proposed zoning, RU-4 (Rural, minimum lot size 4 acres), and the existing zoning, RU-10 (Rural, minimum lot size 10 acres), are permitted zoning designations within D-Rural 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 for long term inheritance planning of the site. Specifically, the applicant would like to split the 15-acre parcel for their children. With RU-10 zoning, the parcel cannot be divided. If this were to

change to RU-4 zoning, the parcel could potentially be divided into three parcels, each at least four acres in size. No additional construction is proposed in the near future.

Figure 4: Existing Development



2. Compliance with Applicable Site Development Standards: Complies

The existing parcel is 15-acres. It currently includes one single family home and an accessory living quarter. There are various accessory buildings. It complies with permitted uses and all applicable site development standards for rural zonings. All site development standards are the same for RU-4 (proposed) and RU-10 (current) zoning.

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 unincorporated Douglas and is residentially developed. It is surrounded by a mix of residential development and vacant land. It's directly north of a large state lands trust parcel.

6. Rezoning to More Intense Districts: Complies

The less intense surrounding RU-10 zoned parcels will be protected by being a logical extension of an RU-4 zoned area directly south. There is no intermediate zoning between RU-10 and RU-4.

7. Adequate Services and Infrastructure: Complies

This factor is used to determine if there are adequate services and infrastructure to serve an intensification of zoning. The applicant intends on keeping the property residential. The proposed RU-4 zoning would allow up to three family homes. The current zoning only permits one single family home. There is a mix of RU-4 and RU-10 in the area currently. This type of density increase is not enough to warrant a traffic study, especially because no additional construction is proposed with the rezoning.

8. Traffic Circulation Criteria: Complies

The property is bordered by Cazador Trail on the east and Lois Lane on the south. Access is from Cazador Trail. No changes are proposed.

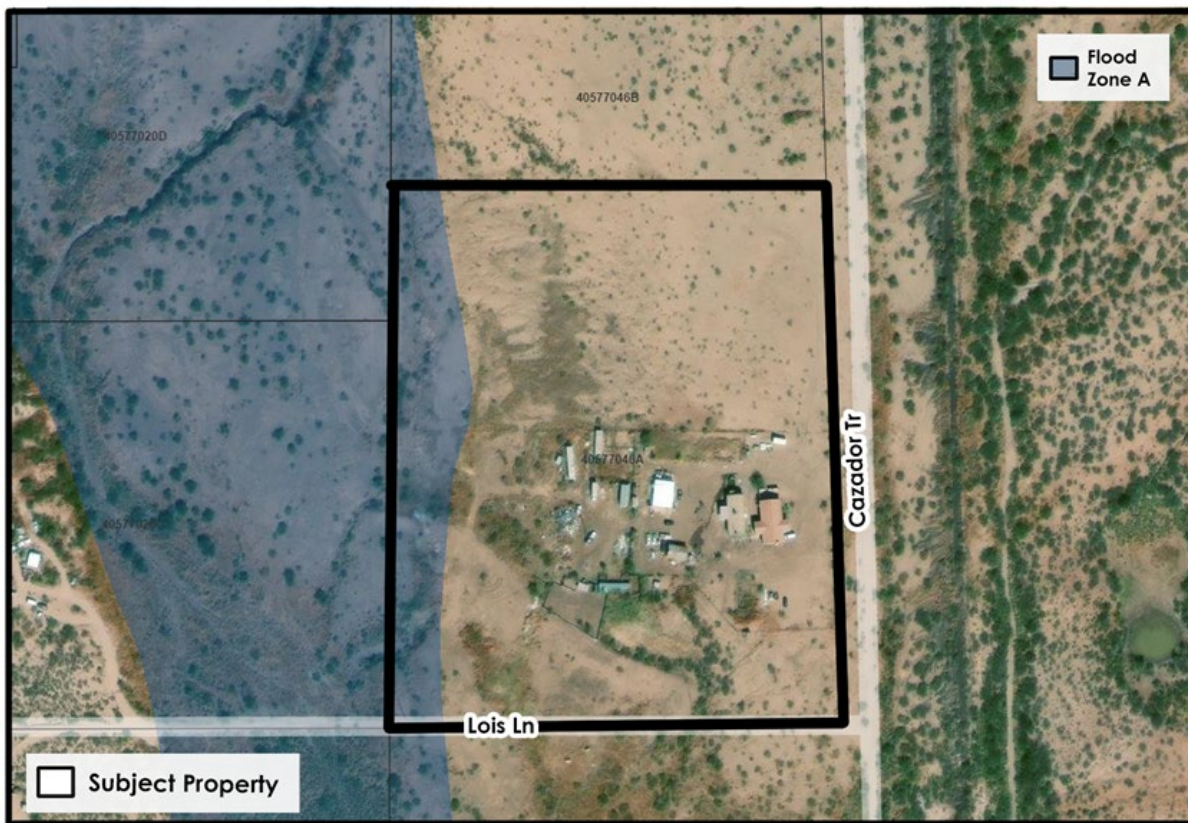
9. Development Along Major Streets: Not Applicable

The parcel is not served by any major streets. Both adjacent roads are private, dirt, local roads.

10. Infill: Not Applicable

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

Figure 5: Flood Zone



11. Unique Topographic Features: Complies

This factor states, “a rezoning to a more intensive Zoning District shall not take place if there are areas of unstable soils, steep slopes, severe washes, floodplains, etc., which are not appropriate for intense development.” The western edge of the property is within flood zone A, which has a 1% annual chance flood hazard. Given the overall size of the parcel and the fact that RU-4 is not a very intense category, future development entirely outside of the floodplain should be entirely feasible. Consequently, this unique topographic feature would not factor against the rezoning.

12. Water Conservation: Complies

The property is served by private well. No additional development is proposed. Any additional development will be residential in nature and not water intensive.

13. Public Input: Complies

The applicant and staff mailed notices to neighboring property owners within 500 feet of the subject property, (staff letter dated June 1, 2023). Staff posted the property on June 28, 2022 and published a legal notice in the Herald/Review on June 16, 2023. The Department has received no written responses to date.

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. While the request is an intensification it would stay within the current rural designation; and
3. The request is an expansion of RU-4 zoning to the south, immediately adjacent.

Factors Against Approval

1. The roads to access this parcel are in poor condition and there is some floodplain present on the western edge of the property.

V. RECOMMENDATIONS

- Based on the factors in favor of approval, the Planning and Zoning Commission unanimously (8-0) recommended forwarding **approval** of the rezoning request to the Board at their July 12, 2023 meeting.
- Staff recommends forwarding to the Board of Supervisors a recommendation of **approval**, for the rezoning of parcel 405-77-046 from RU-10 (Rural, one dwelling per ten acres) To RU-4 (Rural, one dwelling per four acres).