



MEMORANDUM

TO: Board of Supervisors
FROM: Dan Coxworth, AICP, Director
SUBJECT: Docket RZ23-15 (Austin Henley)
DATE: August 9, 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).

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicant: Jennifer Johnson
Location: North of Austin Henley, Elfrida
APN: 401-41-668, 655, 654 (Will Combine)
Parcel Size: 7.2 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
Area Plan: NA
Existing Uses: Vacant property
Proposed Uses: Single-Family Home

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Vacant
South	R-36	Vacant
East	R-36	Vacant
West	R-36	Vacant

Planning, Zoning and Building Safety

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

II. PARCEL HISTORY

None

III. NATURE OF REQUEST

The applicant is requesting to amend the zoning of their parcel from R-36 to RU-4. A downzoning will not have any negative impacts on the surrounding properties.

Mandatory Compliance

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” Rural. The Comprehensive Plan allows for downzoning to RU-4.

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 parcel 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 proposed parcel exceeds 4 acres.

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 nonconforming land uses.

5. Compatibility with Existing Development: Complies

The downzone to larger lots will be compatible with the 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

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 zoning for the area.

9. Development Along Major Streets: Not Applicable

Access is from Austin Henley, a non-county maintained road.

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 the permitted maximum density so that 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. Staff posted the property on July 14, 2023, and published a legal notice in the Herald/Review. The Department received no responses.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Not Applicable

Due to the lack of development and infrastructure, downzoning in this area should be encouraged.

IV. SUMMARY AND CONCLUSION

The request is for a downzoning from SR-43 (Single Residential, one dwelling per 43,000) to RU-4 (Rural; one dwelling per four acres). The area is characterized by 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. None identified.

V. RECOMMENDATION

At their regularly scheduled meeting on August 9, 2023, the Planning & Zoning Commission voted unanimously to recommend to the Board of Supervisors **approval**.

Based on the factors in favor of approval, Staff recommends **approval** of the rezoning request from R-36 (Residential, one dwelling per 36,000) to RU-4 (Rural; one dwelling per four acres) on a 7.2-acre site. No special conditions are recommended.