



MEMORANDUM

TO: Board of Supervisors
FROM: Dan Coxworth, AICP, Director
SUBJECT: Docket RZ23-17 (Farkas)
DATE: September 26, 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 Board of Supervisors rezoned the property in 2006 with the condition that the applicant file a subdivision plat within 18 months. To remove this condition, the applicant must revert to the zoning back to RU-4.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicant: Renee Farkas
Location: Babocomari, northwest corner of Ronald Reagan and Zosimo
APN: 106-15-091D
Parcel Size: 4 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: Babocomari
Existing Uses: Vacant property
Proposed Uses: Single-Family Home

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	Vacant, SFRs
South	RU-4	Vacant
East	RU-4	Vacant
West	RU-4	Vacant

Planning, Zoning and Building Safety

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II. PARCEL HISTORY

Z-06-06, August 2006: Rezoned to R-36 with conditions.

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 comply with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "B" Low-Density Residential. 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 proposal will remove a condition requiring a subdivision plat. The parcel would be eligible for the full range of allowed Principal, Accessory, and Special Uses per the RU Zoning.

2. Compliance with Applicable Site Development Standards: Complies

The proposed parcel is 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. The BOS recently approved rezoning to RU-4 for other properties in the 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

The property may take access from Ronald Reagan, which is not a 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 on August 15, 2023. Staff posted the property on August 18, 2023, and published a legal notice in the Herald/Review on August 18, 2023. The Department received no responses.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Complies

The subject property is within the Babocomari Area Plan. Although the plan is still active, it is essentially null and void, as the area has not developed as planned. 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 R-36 (Residential, one dwelling per 36,000) to RU-4 (Rural; one dwelling per four acres).

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

Staff recommends **approval** of RZ23-17.

Based on the factors in favor of approval, the Planning & Zoning Commission voted unanimously to recommend **approval** to the Board of Supervisor RZ23-17 parcel 106-15-091D, rezoning from R-36 (Residential, one dwelling per 36,000) to RU-4 (Rural; one dwelling per four acres) on a 4-acre site. County staff does not recommend conditions.