



Development Services

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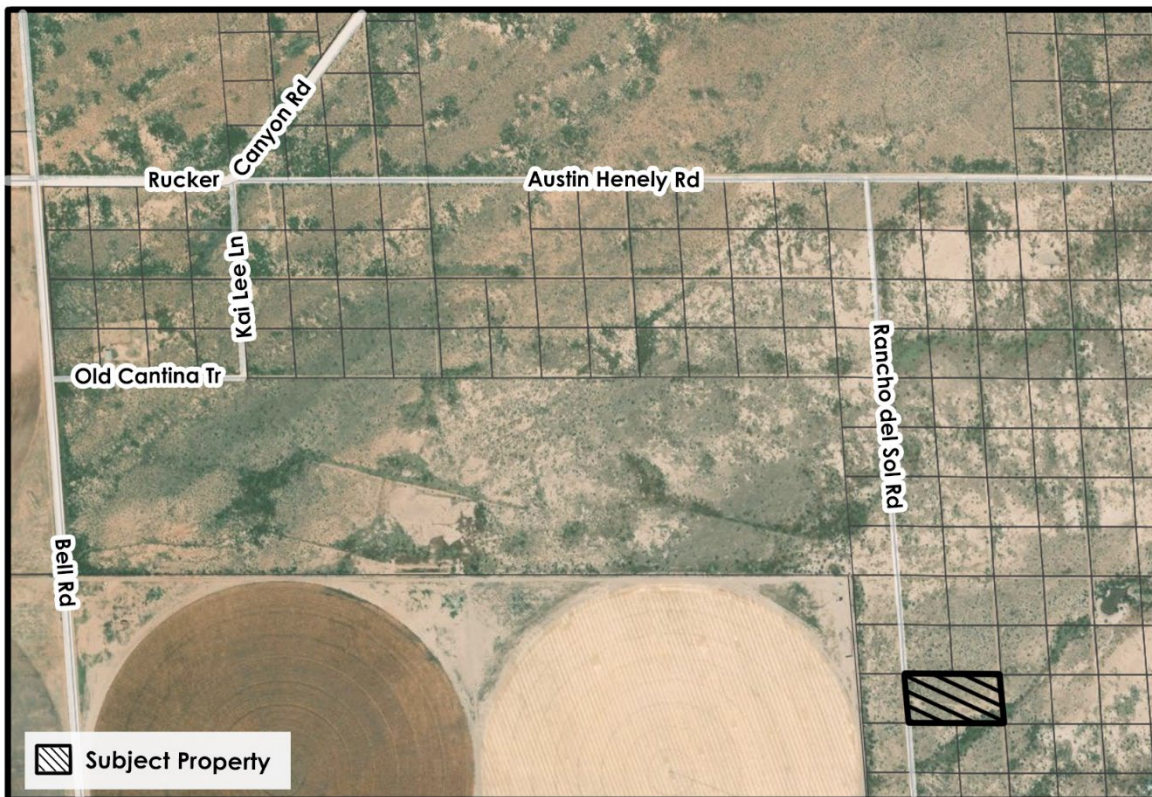
MEMORANDUM

TO: Cochise County Board of Supervisors
FROM: Christine McLachlan, AICP, Planning Division Manager
FOR: Richard Karwaczka, County Administrator
SUBJECT: Docket RZ23-19 (Rancho del Sol)
DATE: October 27, 2023, for November 8, 2023, meeting

APPLICATION FOR A REZONING

The applicant, Justin Uhrig, requests a rezoning from R-36 (Residential, one dwelling per 36,000 SF) to RU-4 (Rural, one dwelling per 4-acres) on APN 401-37-227A, which is 5.00 acres in size and undeveloped.

Figure 1: Location



Location
RZ 23-19 (Rancho del Sol)



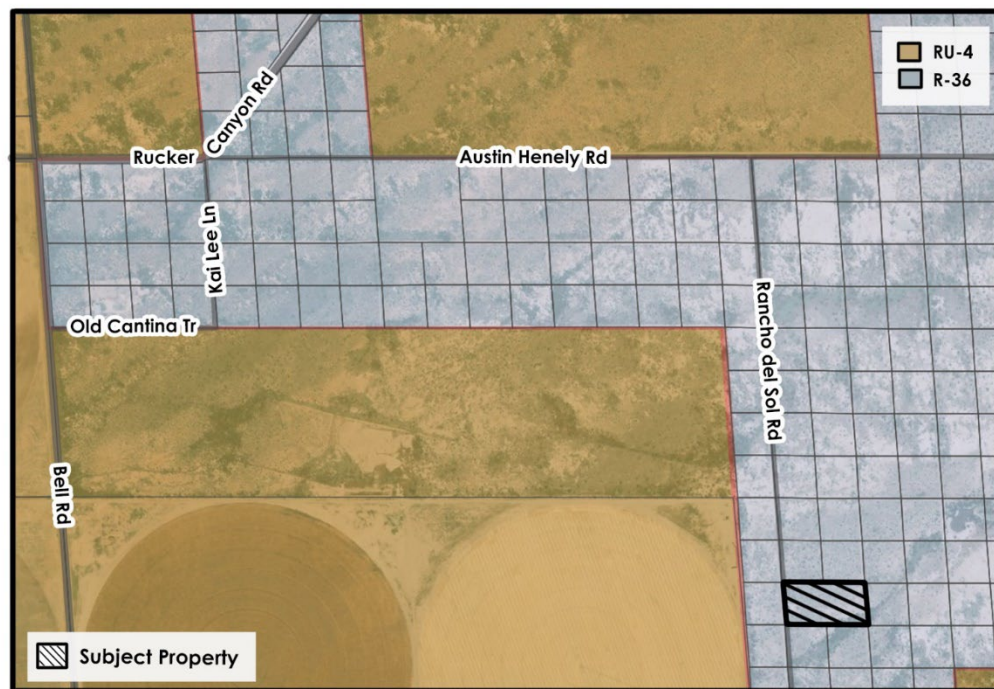
I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicants: Justin Uhrig
 Address: N/A, undeveloped
 APN: 401-37-227A
 Size: 5.00 acres
 Current Zoning: R-36 (Residential, one dwelling per 36,000 SF)
 Proposed Zoning: RU-4 (Rural, one dwelling per 4-acres)
 Growth Area: D
 Plan Designation: Rural
 Existing Uses: Undeveloped
 Proposed Uses: Single Family Dwelling

Zoning/Use of Surrounding Properties

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

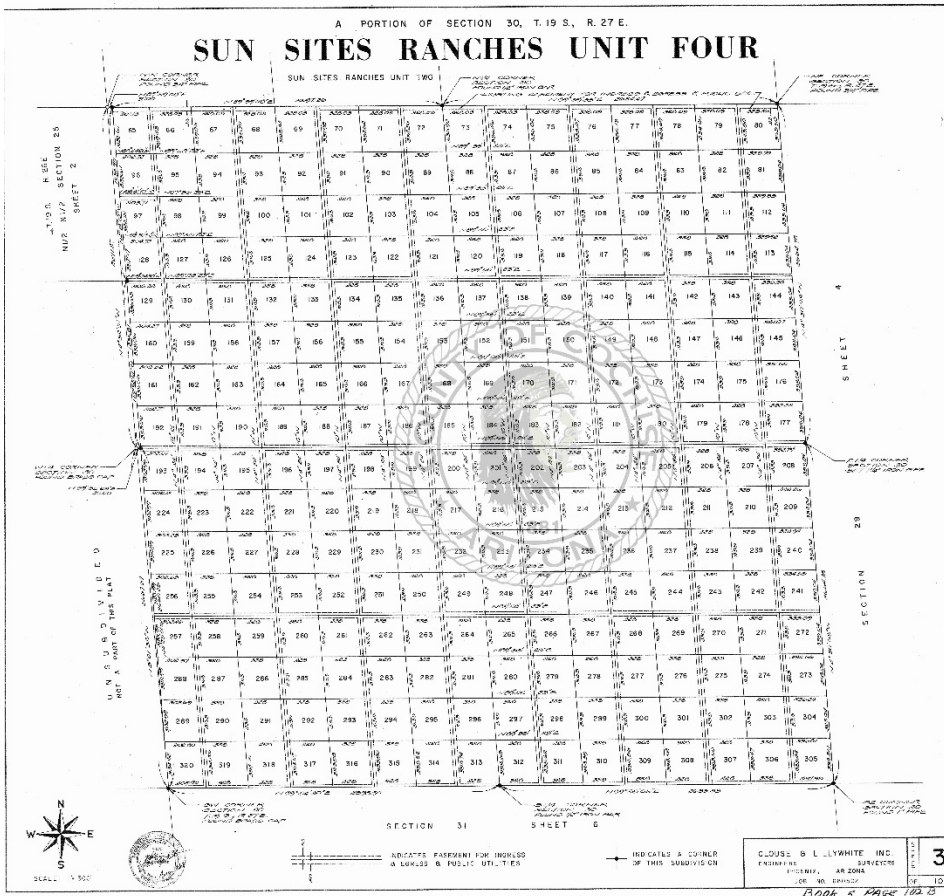
Figure 2: Zoning



Zoning
 RZ 23-19 (Rancho del Sol)

II. PARCEL HISTORY

- No permit history; however, it is within the former Sun Sites Ranches 4 subdivision, which was originally platted in 1968. All parcels are 2.5 acres in size. Access is difficult in the subdivision, roadways are dirt, private roads. Very few parcels have been developed.
- The applicant purchased the property in February 2023.
- A code compliance case was opened in July – RVs present, no permits.
- The applicant applied for this rezoning on 9/6/23 (no October meeting of the Commission).



Mandatory Compliance: Complies

Section 2.63.080 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-36 (Residential, one dwelling per 36,000 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 existing land use.

III. Compliance with Rezoning Criteria Section 2.63.080.3 of the Zoning Regulations provides fifteen criteria for evaluating rezoning requests.



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

As stated in the application, the applicant would like to construct one residential, tiny home that is approximately 320 SF. While he did not provide a concept plan, detailed plan submittals will be required during residential permitting.

2. Compliance with Applicable Site Development Standards: Complies

The existing parcel is 5.00-acres and undeveloped. The parcel exceeds the minimum parcel size of 4-acres, which is required for RU-4 zoning. The proposed use is single family residential. All future development will require permits and will need to follow all site development standards for rural zoning.

3. Adjacent Districts Remain Capable of Development: Complies

The current parcel is undeveloped. All surrounding property is undeveloped as well. The subject parcel is double the size of the majority of surrounding parcels and will not impact their developability.

4. Limitation on Creation of Nonconforming Uses: Complies

The proposed use is a single family. This is a permitted use in rural zoning. If approved, the rezoning would not create any non-conforming land uses.

5. Compatibility with Existing Development: Complies

This area is largely undeveloped. There are very few developed parcels within the area. Low density residential use would be the most feasible use of the land, given its accessibility, infrastructure, and access to services.

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-36 zoning. Under the current zoning, the construction of up to 6 homes would be permissible. There is no community water system or sewer service in the area and the level of permitted development allowed by the current R-36 zoning 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

This rezoning request will not alter the existing roadway network's layout or function without requiring right-of-way dedication or off-site improvements. Rezoning from R-36 to RU-4 would decrease the permitted density, correspondingly decreasing the amount of potential traffic.

9. Development Along Major Streets: Not applicable

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

10. Infill: Not Applicable

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

11. Unique Topographic Features: Does not apply

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." This is a proposed rezoning to a less intensive zoning district; consequently, this factor does not apply. No unique topographic features exist that will prevent the development of the property.

12. Water Conservation: Complies

The applicant proposes constructing one single family tiny home on site. There are no utilities present. He proposes hauling water to the site for personal use.

13. Public Input: Complies

The case planner mailed notices to neighboring property owners within 750 feet of the subject property, (staff letter dated October 4, 2023). Staff posted the property on October 6, 2023, and published a legal notice in the Herald/Review on October 18, 2023. The case planner received one letter of opposition. The person that submitted the letter of opposition requested confidentiality. Consequently, the letter was not transmitted to the commission.



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.



Existing RV



Rancho del Sol Drive

IV. SUMMARY AND CONCLUSION

Factors in Favor of Approval

1. The proposed zoning of RU-4 (Rural, one dwelling per 4-acres) would bring the zoning into compliance with the existing land use (D-Rural);
2. The proposed RU-4 zoning is more appropriate than existing R-36 given the condition and extent of existing utilities and infrastructure; and
3. The request complies with all the applicable rezoning factors used to analyze rezoning requests.

Factors Against Approval

1. Letter of opposition received; and
2. The parcel is very near, but not directly contiguous to RU-4 zoning.

V. RECOMMENDATIONS

- Based on the factors in favor of approval, the Planning and Zoning Commission recommended forwarding approval of the rezoning request (5-0, approve-deny) to the Board at their November 8, 2023, meeting.
- Based on the factors in favor of approval, Staff recommends forwarding the rezoning request from R-36 to RU-4 on parcel 401-37-227A to the Board of Supervisors with a recommendation of *approval*.

Sample Motion: Madam Chair, I move to recommend approval to the Board of Supervisors of the rezoning, Docket RZ 23-19 (Rancho del Sol) located on parcel 401-37-227A, from R-36 to RU-4, the Factors in Favor of Approval constituting the Findings of Fact.
