



MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Robert Kirschmann, Planner II
SUBJECT: Docket RZ23-04 (Landwerlen)
DATE: March 29, 2023 for the Meeting of April 12, 2023

APPLICATION FOR A REZONING

The applicant requests a rezoning from SR-43 (Single Residential one dwelling per 43,000 square feet) to RU-4 (Rural, one dwelling per 4 acres).

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Applicant: Mr. Randy Landwerlen
Location: Northeast corner of S Garden Road and W March Street in the Sunsites area
APN: 117-04-113-116 (117-04-116A)
Parcel Size: 4.38 Acres
Current Zoning: SR-43 (Single Residential, one dwelling per 43,000 square feet)
Proposed Zoning: RU-4 (Rural; one dwelling per 4 acres)
Growth Area: D – Rural Areas
Plan Designation: Rural
Area Plan: MSSVCP
Existing Uses: Vacant property
Proposed Uses: Permitted Single Family Home

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-43	Vacant
South	SR-43	Vacant
East	SR-43	Vacant
West	SR-43	Vacant

II. PARCEL HISTORY

None

III. NATURE OF REQUEST

The applicant is requesting to amend the zoning of their parcel from SR-43 to RU-4. The area is very rural and vacant. The applicant is requesting the amendment to permit a small home and accessory buildings. A downzoning will not have any negative impacts on the surrounding properties.

Mandatory Compliance

Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place 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 Area. The Comprehensive Plan allows for downzoning's to RU-4.

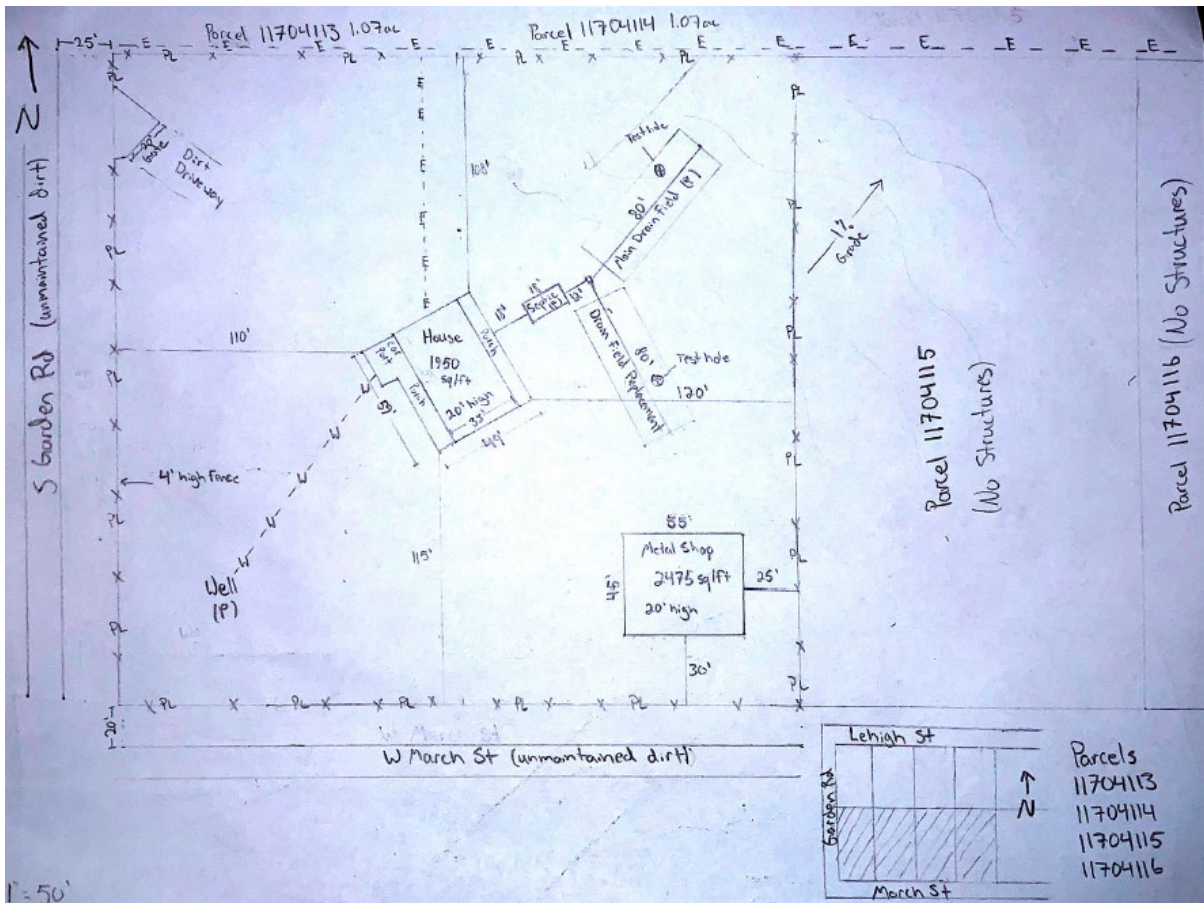


Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests.

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

The proposal is intended to facilitate standard, rural home site development, but the parcel would be eligible for the full range of allowed Principal, Accessory, and Special Uses per Article 6 of the Zoning Regulations. The Rezoning to RU-4 is to allow the applicant to be able to opt-out of Building Code and allow a rural living consisting of farming and animal raising.



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 one nearby home. The downzone to larger lots will be compatible with current development patterns of the general area. A rezoning to RU-4 was recently approved to the northwest of this location.



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 and putting in physical access to the parcel. There is no County Maintenance Sherwood Road, however there is of Treasure. 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 SR-43 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

No unique topographic features exist that will prevent the development of the property.

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 March 10, 2023. Staff posted the property on March 22, 2023, and published a legal notice in the Herald/Review March 15, 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 Mid-Sulphur Springs Area Plan, designated as medium-density residential. Policy 3 states that the lot size is greater than 12,000 square feet but less than two acres. The property is located in an antiquated subdivision that has not developed as anticipated without adequate infrastructure such as paved roads, sewer, and water, for 22,000 square foot lots. The Area Plan is dated (1999), and considering 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) on a 4.22-acre site in Sunsites. The area is characterized by open expanses 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, Staff recommends forwarding the rezoning request, from SR-43 (Single Residential, one dwelling per 43,000) to RU-4 (Rural; one dwelling per four acres) on a 4.38-acre parcel to the Board of Supervisors with a recommendation of **approval**. No special conditions are recommended.