



MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Robert Kirschmann, Planner II
SUBJECT: Docket RZ23-06 (Dill)
DATE: April 28, 2023 for the Meeting of May 10, 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: Mr. Seth Wilson
Location: 1050 South Dill Road, Benson
APN: 123-37-007
Parcel Size: 5 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 Residential
Area Plan: None
Existing Uses: Recreational vehicle, and out buildings
Proposed Uses: Permitted Single Family Home

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Vacant/ Agriculture
South	RU-4	Vacant/ Agriculture
East	R-36	Vacant/ Agriculture
West	R-36	SFR/ Agriculture

II. PARCEL HISTORY

1976 Mobile Home (removed)
1976 Farm building

Planning, Zoning and Building Safety

1415 Melody Lane, Building F
Bisbee, Arizona 85603
520-432-9300
520-432-9278 fax
planningandzoning@cochise.az.gov

III. NATURE OF REQUEST

The applicant is requesting to amend the zoning of their parcel from R-36 to RU-4. The area is very rural with many agricultural uses. The applicant is requesting the amendment to permit a home and accessory buildings. A downzoning will not have any negative impacts on the surrounding properties. The parcel is a continuation of the RU-4 Zoning to the south. The request is appropriate to the rural and agricultural nature of the area, location on the San Pedro River and proximity to other Rural Zoning.



Mandatory Compliance

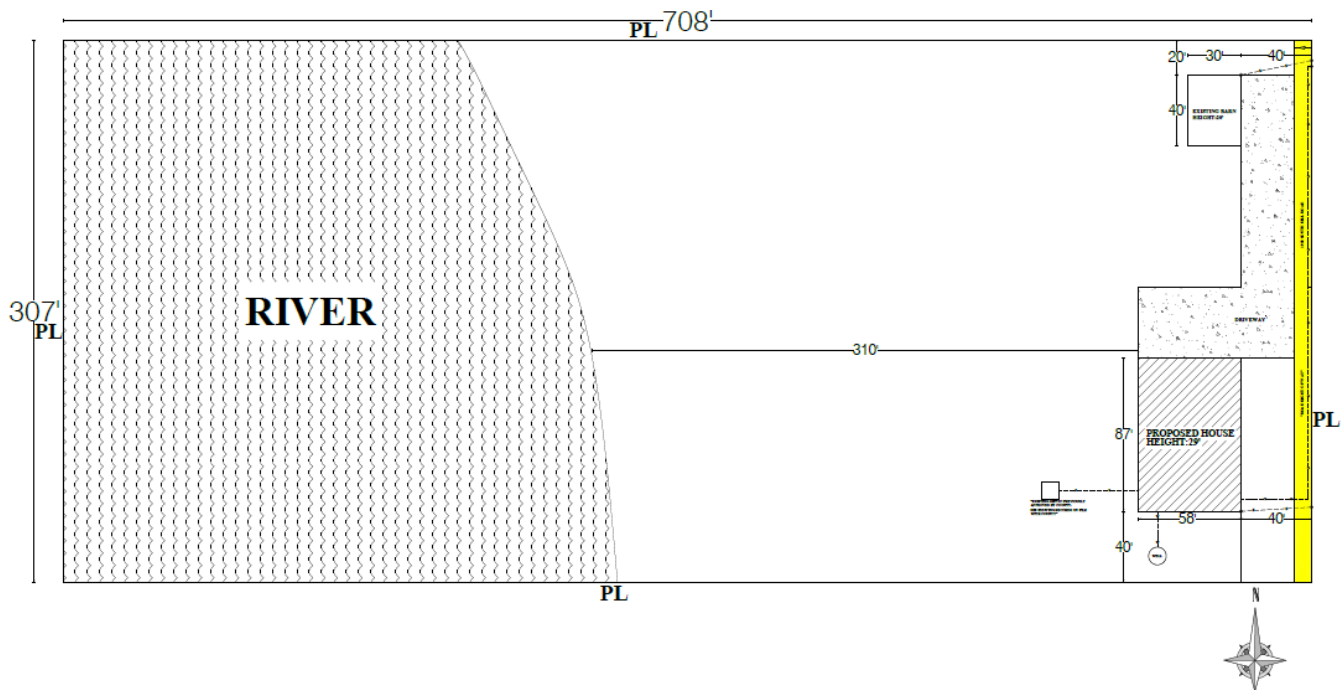
Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category “D” Rural Area. The Comprehensive Plan 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 scattered homes nearby. The downzone to larger lots will be compatible with 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

The applicant will be responsible for verifying legal access to the parcel. There is no County Maintenance of Dill Road. 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 R-36 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

The parcel is located on the San Pedro River with a large floodplain and erosion hazard setback. The current permitted density is not appropriate based on these physically limiting factors.

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 April 7, 2023. Staff posted the property on April 7, 2023, and published a legal notice in the Herald/Review April 12, 2023. The Department received no responses

14. Hazardous Materials: Not Applicable

15. Compliance with Area Plan: Complies





The subject property is not within an area plan. It complies with the goals and policies of the comprehensive plan and will preserve the natural landscape and reduce overall density along the San Pedro River.

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) on a 5-acre site in Benson. The area is characterized by open expanses, agricultural uses 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 R-36 (Residential, one dwelling per 36,000) to RU-4 (Rural; one dwelling per four acres) on a 5-acre parcel to the Board of Supervisors with a recommendation of **approval**.