



Development Services

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Matthew Taylor, AICP, Planner II
THROUGH: Christine McLachlan, AICP, Planning Division Manager
FOR: Richard Karwaczka, County Administrator
SUBJECT: Docket RZ24-02 (Sunsites Ranches)
DATE: March 26, 2024

Docket RZ24-02 (Sunsites Ranches)

The applicant requests rezoning of APN 403-54-241A from R-36 (Residential District, one dwelling per 36,000-square feet) to RU-4 (Rural District, one dwelling per 4-acres).

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Mohamad Hodai
Location: Sunsites Ranches Unit #4
APN: 403-54-241A (formerly 403-54-239, 240, and 241)
Parcel Size: 7.7
Current Zoning: R-36
Proposed Zoning: RU-4
Growth Area: D – Rural
Plan Designation: Rural
Area Plan: None
Existing Uses: Undeveloped
Proposed Uses: Single Family Residence

Surrounding Zoning and Land Uses:

| | | |
|-------|------|--------------------------------|
| North | R-36 | Undeveloped |
| South | R-36 | Undeveloped |
| East | RU-4 | Undeveloped (State Trust Land) |
| West | R-36 | Undeveloped |

II. PARCEL HISTORY

The subject property is located within Sunsites Ranches Unit #4 (1968). The property is undeveloped.

III. NATURE OF REQUEST

The applicant requests downzoning the property from R-36 to RU-4 to participate in the owner-builder program.

Mandatory Compliance

Section 2.63.080 of the zoning regulations requires zoning district boundaries be in accordance with comprehensive or area plan designations. In this case, the proposed rezone to RU-4 is consistent with the "Rural" comprehensive plan designation.

Compliance with Rezoning Criteria

Section 2.63.080 of the zoning regulations provides fifteen (15) criteria for evaluating rezoning requests:

1. Adequate Land Use/Concept Plan: Complies

The applicant has provided a concept plan demonstrating an intent to develop the site with a single-family residence.

2. Compliance with Applicable Site Development Standards: Complies

The subject parcels totals about 7.7 acres and is subject to development standards found in Section 2.15 of the zoning regulations, including setbacks, height, distances between structures, and lot coverage.

3. Adjacent Districts Remain Capable of Development: Complies

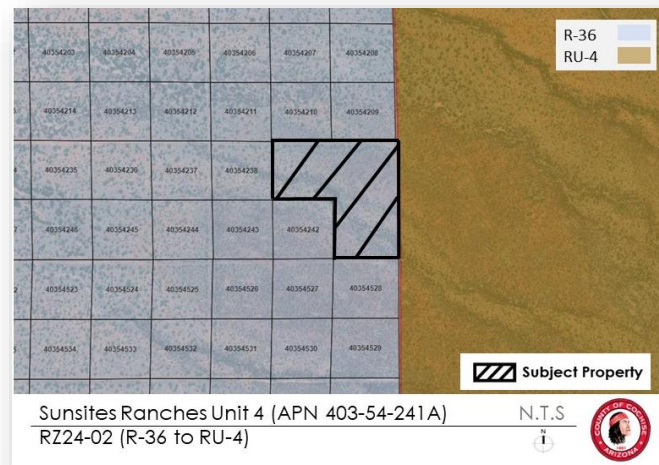
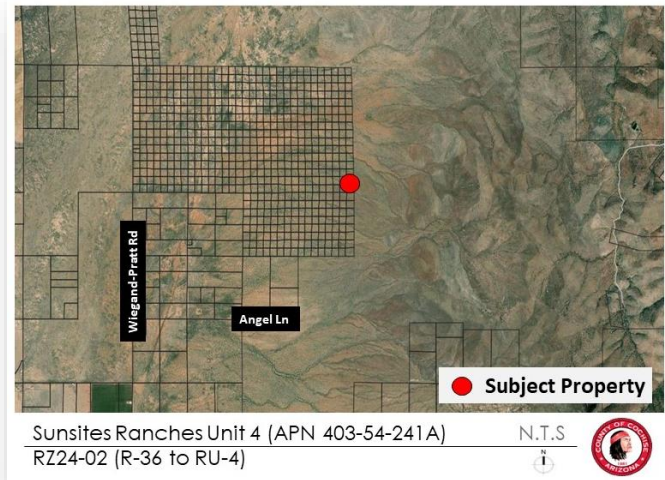
The requested downzone does not prevent surrounding properties from being developed in a manner consistent with their zoning district classification.

4. Limiting Creation of Nonconforming Uses: Complies

Rezoning the property to RU-4 will not result in the creation of nonconforming uses.

5. Compatibility with Existing Development: Complies

The downzone allows uses that are compatible with current development patterns in this area. The area is largely undeveloped and remote, being located to the northeast of Elfrida AZ near Swisshelm Mountain. The nearest residential uses are located more than one mile to the west and the subject property abuts



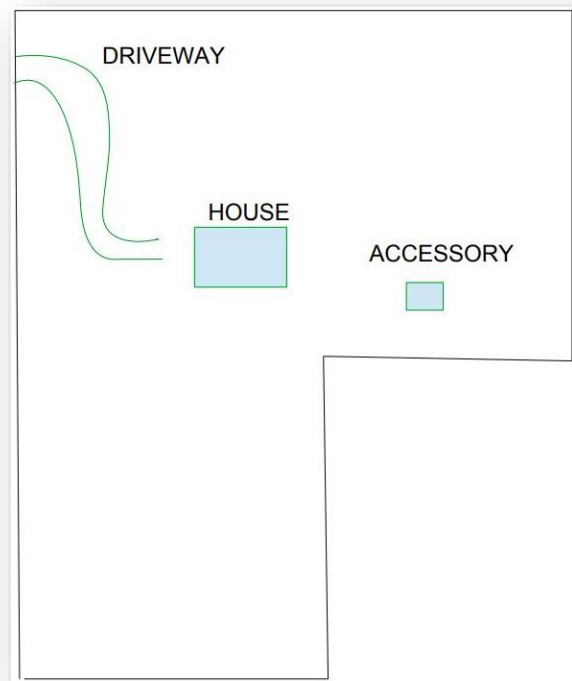
State land to the east. The county has approved downzones to RU-4 for other properties within Sunsites in conjunction with lot combinations, ensuring the creation of conforming parcels.

6. Rezoning to More Intense Districts: Not Applicable

A rezone to a more intense zoning district is not proposed. The applicant requests downzoning the subject property from R-36 to RU-4, reducing allowed residential density.

7. Adequate Services and Infrastructure: Complies

The subject property is in an area without significant services or infrastructure, including an absence of community water or sanitation systems. Property access is through a series of shared private easements without named or improved roads. Downzoning reduces allowable residential density and is unlikely to result in uses that are incompatible with existing land uses or will strain the area's limited resources.



8. Traffic Circulation: Complies

The property does not take access from roads with improved surfaces or that are county-maintained. As mentioned above, the downzoning reduces allowable residential density and the number of potentially vehicle trips to the property that could contribute to degradation of unimproved surfaces and create fugitive dust.

9. Development Along Major Streets: Not Applicable

This property is not located on a major street.

10. Infill Compatibility: Not Applicable

This factor applies to rezoning requests to General Business (GB), Light Industry (LI), or Heavy Industry (HI) zoning districts.

11. Unique Topographic Features: Not Applicable

This factor applies to requests to more intense zoning districts.

12. Water Conservation: Complies

This proposed downzone reduces the number of principal dwellings from nine to one which suggests an overall reduction in water consumption. The applicant intends to rely on rain water harvesting through catchment systems as opposed to water companies or private well.

13. Public Input: Complies

Applications to downzone property are not subject to Citizen Review requirements identified in the zoning regulations. Staff published legal notice, mailed notices to nearby property owners within 300', and posted the property on February 21, 2024. The Department received no responses.

14. Hazardous Materials: Not Applicable

The applicant is proposing to develop the property for single-family use and does not involve hazardous materials.

15. Planning Policies: Complies

The subject property is designated by the comprehensive plan as “Rural.” Downzoning in this area is encouraged due to the lack of infrastructure and services.

IV. SUMMARY AND CONCLUSION

The subject property, APN 403-54-241A, consists of about 7.7 acres and is zoned R-36. The current zoning allows up to nine principal dwellings. Downzoning the parcel to RU-4 reduces allowable density to one principal dwelling with the potential for one accessory dwelling. The property is located about 6 miles east of Elfrida AZ in an area with limited infrastructure and services typically necessary for residential or commercial development. The applicant proposes participating in the county’s owner-builder program, developing the property with a residence and accessory buildings. The county adopted the owner-builder amendment to encourage ingenuity by individual home owners in the interest of personal preference, allowing the use of alternate building materials and methods.

Factors in Favor of Approval

1. Complies with ten applicable rezoning factors used to evaluate zoning amendments.
2. Proposed residential use is compatible with existing rural development pattern (low density residential, agriculture).
3. Downzone reduces residential density allowed by current zoning district.
4. No opposition from nearby property owners.

Factors Against Approval

None identified.

V. RECOMMENDATIONS

Based on the factors in favor of approval, the Planning and Zoning Commission recommended approval of Docket RZ24-02 (7-0) at their March 13, 2024, meeting without conditions.

Based on the factors in favor of approval, Staff also recommends approval of Docket RZ24-02 without conditions, rezoning parcel 403-54-241A from R-36 (Residential District, one dwelling per 36,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres).

Sample Motion

Madam Chair, I move to approve Docket RZ24-02, rezoning parcel 403-54-241A from R-36 (Residential District, one dwelling per 36,000 square feet) to RU-4 (Rural District, one dwelling unit per 4 acres), the Factors of Approval constituting the Findings of Fact.
