



Development Services

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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Matthew Taylor, AICP, Planner II
FOR: Richard Karwaczka, County Administrator
THROUGH: Christine McLachlan, AICP, Planning Division Manager
SUBJECT: Docket RZ24-06 (Sunsites Unit #2)
DATE: May 21, 2024

Docket RZ24-06 (Sunsites Unit #2)

The applicant requests rezoning APNs 117-05-067, 117-05-068, 117-05-069, 117-05-070, and 117-05-071 from SR-43 (Single-Household Residential, one dwelling per 43,560 square feet) to SR-174 (Single-Household Residential, one dwelling per 174,000 square feet). The parcels are located at the northeast corner of Cochise Stronghold Road and Spruce Street in Arizona Sunsites Unit #2.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Rock Ridge Revocable Trust – Lynn Haber
Location: Sunsites Unit #2
APN: 117-05-067, 068, 069, 070, 071
Parcel Size: 5.7 acres
Current Zoning: SR-43
Proposed Zoning: SR-174
Growth Area: D – Rural Areas
Plan Designation: Rural
Area Plan: None
Existing Use: Accessory Structures
Proposed Use: Single Family Residence

Surrounding Zoning and Land Uses:

North	SR-43, RU-4	Undeveloped
South	SR-43	Single family residences
East	SR-43, NB	Undeveloped
West	RU-4	Single family residences

II. PARCEL HISTORY

The parcels are located within Arizona Sunsites Unit #2 (1961), and parcel 068 has two existing accessory structures. The applicant filed an application with the county assessor on March 1, 2024, to combine the five parcels.

III. NATURE OF REQUEST

The applicant requests rezoning from SR-43 to SR-174 to participate in the county's 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 SR-174 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: Does not Comply

The applicant has not 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 property totals about 5.7 acres and is subject to site development standards found in Section 2.24 of the zoning regulations, including setbacks, height, distances between structures, and lot coverage.

3. Adjacent Districts Remain Capable of Development: Complies

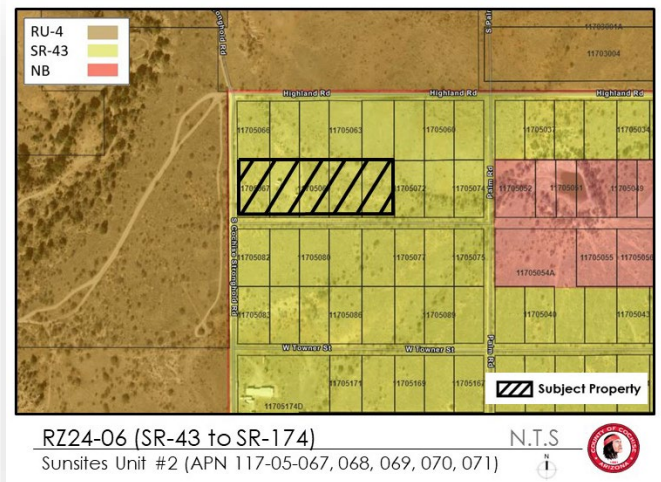
The requested downzone does not prevent surrounding properties from being developed in a manner consistent with their residential and rural zoning classifications.

4. Limiting Creation of Nonconforming Uses: Complies

Rezoning the property to SR-174 will not result in the creation of nonconforming uses since existing accessory structures will continue meet minimum single-household residential zoning district setback requirements and other applicable development standards.

5. Compatibility with Existing Development: Complies

Per the rezoning application, the applicant intends to develop the property with a single-family residence utilizing the county's owner-builder program. The area is largely undeveloped with sporadic single family residences on lots of approximately one acre. The nearest residences are about 885' to the south and 875' to the northwest. All other residences in the area are more than ¼ mile from the subject properties. The county has approved multiple requests to downzone properties consisting of four or more acres, including



in Sunsites, to SR-174 and RU-4 to allow property owners to build a residence in accordance with the owner-builder program. Rezoning the property from SR-43 to SR-174 does not affect existing permitted uses of the property.

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 SR-43 to SR-174, reducing allowed residential density. Current zoning would allow one principal residence and one accessory living quarter on each lot for a total of 10 residences. Downzoning the property reduces the number of allowable to two, one principal and one accessory dwelling on 5.7 acres.



7. Adequate Services and Infrastructure: Complies

The applicant proposes a largely off-grid residence. The property is located within SSVEC and Sunsites Fire District service areas. Access is from Cochise Stronghold onto Spruce Street, which is not improved or maintained and functions more as a driveway to the property than a residential street.

8. Traffic Circulation: Complies

Property access is from Spruce Street via Cochise Stronghold. A county right-of-way permit is not required.

9. Development Along Major Streets: Not Applicable

Property access is from Cochise Stronghold and Spruce Street which currently function as local, unimproved roads.

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 rezoning requests to more intense business or industrial zoning districts.

12. Water Conservation: Not Applicable

County-wide water conservation requirements identified in Section 2.51.170 of the zoning regulations apply to non-residential uses and properties. This proposed downzone reduces the number of allowed principal dwellings from five to one which suggests an overall reduction in water consumption.

13. Public Input: Complies

Applications to downzone property are not subject to Citizen Review requirements identified in the zoning regulations. Staff mailed notices to nearby property owners within 300', posted the property, and

published legal notice on April 17, 2024. Staff has not received any responses.

14. Hazardous Materials: Not Applicable

The applicant proposes building a single-family residence. The use of hazardous materials is not proposed.

15. Planning Policies: Complies

The subject property is designated by the comprehensive plan as "Rural." SR-174 zoning is consistent with the "Rural" land use designation. The county typically supports downzones to less intense land uses that reduce impacts on limited infrastructure or services or that reduce residential densities.

IV. SUMMARY AND CONCLUSION

The parcels, APNs 117-05-067 through 071, consist of about 5.7 acres and are currently zoned SR-43. Combining the parcels into a single parcel and rezoning to SR-174 allows one principal dwelling with the potential for one accessory dwelling. The applicant proposes participating in the county's owner-builder program, developing the property with a single-family residence. This program requires parcels have a minimum site area of four acres and a zoning classification with a minimum site area requirement of four acres. 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 eight of nine applicable factors used to evaluate rezoning requests.
2. Proposed use is compatible with established low density residential growth pattern.
3. Downzone reduces the number of allowed principal dwellings.
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 RZ24-06 (8-0) without conditions at their May 8, 2024, meeting.

Based on the factors in favor of approval, Staff also recommends approval of Docket RZ24-06 without conditions, rezoning parcels 117-05-067, 068, 069, 070, and 071 from SR-43 (Single-Household Residential District, one dwelling per 43,560 square feet) to SR-174 (Single-Household Residential District, one dwelling per 174,000 square feet).

Sample Motion

Madam Chair, I move to approve Docket RZ24-06, rezoning parcels 117-05-067 through 117-05-071 from SR-43 (Single-Household Residential District, one dwelling per 43,560 square feet) to SR-174 (Single-Household Residential District, one dwelling per 174,000 square feet), the factors of approval constituting the findings of fact.