



## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Matthew Taylor, AICP, Planner II  
**FOR:** Christine McLachlan, AICP, Planning Division Manager  
**SUBJECT:** Docket RZ24-15 (Moonbeam Dr)  
**DATE:** October 9, 2024

### Docket RZ24-15 (Moonbeam Dr)

The applicants request rezoning APN 404-02-432 from RU-2 (Rural District, one dwelling per 2 acres) to RU-4 (Rural District, one dwelling per 4 acres). The property is located at the southwest cover of Moonbeam Drive (also known as Cochise Road) and Night Sky Road near McNeal.

### I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Dan and Rose Weber  
Location: Sunsites Unit #2  
APN: 404-02-432  
Parcel Size: 5 acres  
Current Zoning: RU-2  
Proposed Zoning: RU-4  
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 | RU-4       | Undeveloped              |
| South | RU-2, RU-4 | Undeveloped, Residential |
| East  | RU-4       | Public Land              |
| West  | RU-4       | Residential              |

### II. PARCEL HISTORY

The property is located in Desert Sky subdivision (1971). Well and septic permits issued in 2024 (#WEL24-000040, SEP24-000232). There are no active code compliance actions for this property.

**III. NATURE OF REQUEST**

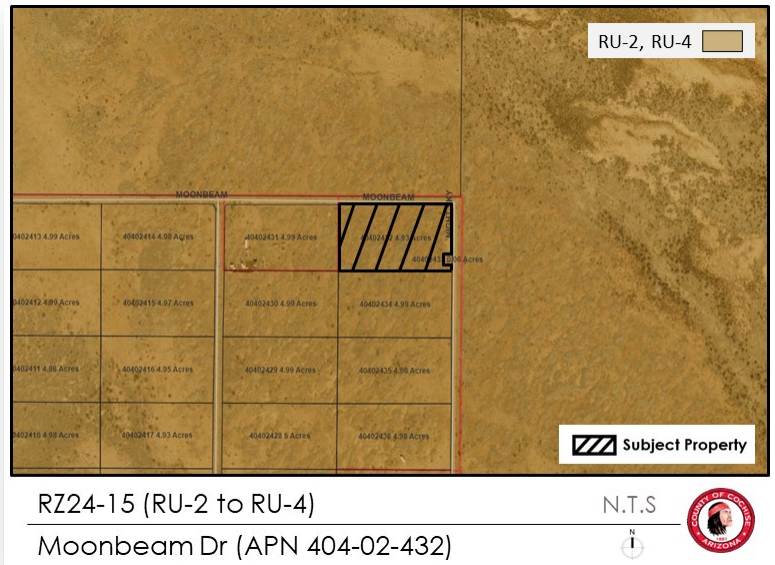
The applicants request rezoning from RU-2 to RU-4 to build a residence utilizing the county’s owner-builder program.

**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 RU-4 is consistent with comprehensive plan designations.

**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 applicants 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 acres and will be subject to site development standards found in Section 2.15 of the zoning regulations if successfully rezoned to RU-4, 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 rural zoning classifications.

**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**

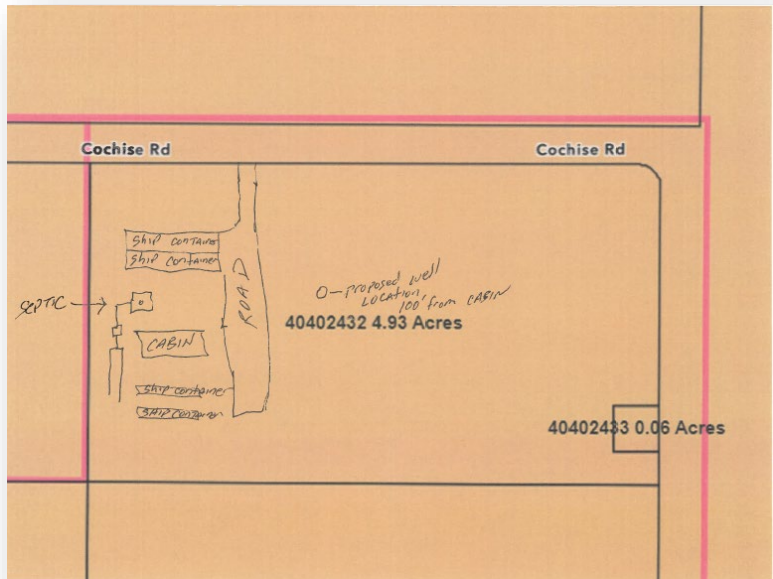
The area is generally undeveloped with scattered single family residences, unimproved roads, and limited infrastructure. The prevailing development pattern is low density residential and the applicant intends to build a residence and accessory structures on the property. The county has approved multiple requests to downzone properties consisting of four or more acres to RU-4 throughout the county, allowing property owners to build residences in accordance with the owner-builder program.

**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 to RU-4, reducing allowed residential density from two to one principal dwellings.

### 7. Adequate Services and Infrastructure: Complies

The property is located within Sulphur Springs Valley Electric Cooperative (SSVEC) service area, and the future residence will be served by private well and septic systems. The applicants propose participating in the county's owner-builder program, which requires a minimum site area of four acres and zoning classification requiring a minimum 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.



### 8. Traffic Circulation: Complies

The property is accessible via Moonbeam Drive, identified as Cochise Road on the Desert Sky subdivision plat, which is an unimproved public right-of-way (ROW) not maintained by the county. The proposed driveway location does not require a county ROW permit.

### 9. Development Along Major Streets: Not Applicable

Property access is from Moonbeam Drive, which functions as a local road.

### 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 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 published legal notice and mailed notification letters to property owners within 300' on September 18, 2024, posting the property on September 23, 2024. Staff has not received any responses.

### 14. Hazardous Materials: Not Applicable

The applicants propose building a single-family residence. The use of hazardous materials is not proposed.

#### **15. Planning Policies: Complies**

A rezone to RU-4 is consistent with comprehensive plan designations. The county typically supports downzones to less intense zoning districts that reduce impacts on limited infrastructure or services or reduce residential densities.



#### **IV. SUMMARY AND CONCLUSION**

The applicants request a downzone from RU-2 to RU-4 to build a residence using the county's owner builder program. The county continues to receive requests throughout the county to downzone properties to RU-4, and staff is supportive of such requests in areas absent adequate infrastructure. 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. The property to the west (3233 Moonbeam Drive) was downzoned from RU-2 to RU-4 in October 2021 (RZ21-13).

#### **Factors in Favor of Approval**

1. Complies with all 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. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends forwarding the request to rezone tax parcel 404-02-432 from RU-2 (Rural District, one dwelling per 2 acres) to RU-4 (Rural District, one dwelling per 4 acres) to the Board of Supervisors with a recommendation of approval without special conditions.

#### **Sample Motion**

Madam Chair, I move to recommend approval of Docket RZ24-15 to the Board of Supervisors without special conditions, rezoning tax parcel 404-02-432 from RU-2 (Rural District, one dwelling per 2 acres) to RU-4 (Rural District, one dwelling per 4 acres), the factors of approval constituting the findings of fact.