



COCHISE COUNTY COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Board of Supervisors
Through: Michael J. Ortega, County Administrator

FROM: Keith Dennis, Planner II 
For: Beverly Wilson, Deputy Director Planning Division 

SUBJECT: Docket Z-12-07 (Jantz)

DATE: December 28, 2012 for the January 8, 2013 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning of nine contiguous one-acre parcels from SR-43 (Single Household Residential, 1 dwelling per acre) to RU-4 (Rural, 1 dwelling per 4 acres). The Applicant, who resides on the site, is requesting the rezoning as part of an effort to convert the parcels to full time agricultural production. The property (a site consisting of Parcels 119-05-244 through 252, totaling 9.63 acres) is located at 730 N. Skyline Road in Cochise, AZ. The Applicants are Michael and Cynthia Jantz of the same address.

I. PLANNING AND ZONING COMMISSION

On Wednesday, December 12, 2012, the Planning and Zoning Commission voted unanimously (6 – 0) to forward this Docket to the Board of Supervisors with a recommendation of approval. The motion included the conditions of approval recommended by staff.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Size: 9.63 Acres
Zoning: SR-43 (Single-Household Residential, 1 dwelling per acre)
Growth Area: Category D (Rural Growth Area)
Area Plan: Mid Sulphur Springs Valley Area Plan
Plan Designation: Rural Density / Agriculture and Green Space
Existing Uses: Undeveloped Land
Proposed Uses: Single Family Residence and Shop

Surrounding Zoning

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

III. PARCEL HISTORY

2003 – Permit issued for construction of a 2,425 square foot single family residence;
2009 – Permit issued for a 725 square foot addition and 1,500 square foot workshop; and
2012 (October) – Applicant obtained an agricultural exemption from permitting and zoning requirements.

There are no violations or other enforcement actions associated with the site.



The Jantz Residence

IV. NATURE OF REQUEST

The Applicants, Michael and Cynthia Jantz, currently reside on and farm the nine-acre site. The Jantz family grows sweet corn, watermelons, and assorted other crops, and Mr. Jantz intends to cultivate several acres with sweet potatoes and pistachios in the coming years. The family also keeps chickens and pigs on the farm.

Recently, the Applicant decided to take steps to make the family farm land use consistent with local zoning codes. To this end, the Applicant sought and obtained an agricultural exemption from the Zoning Regulations, relieving him of permitting requirements. The current request, to downzone the nine-acre site from SR-43 to RU-4 is part of this effort. Mr. Jantz says rezoning the properties would be a better reflection of the current and future agricultural activities and would bring him peace of mind.

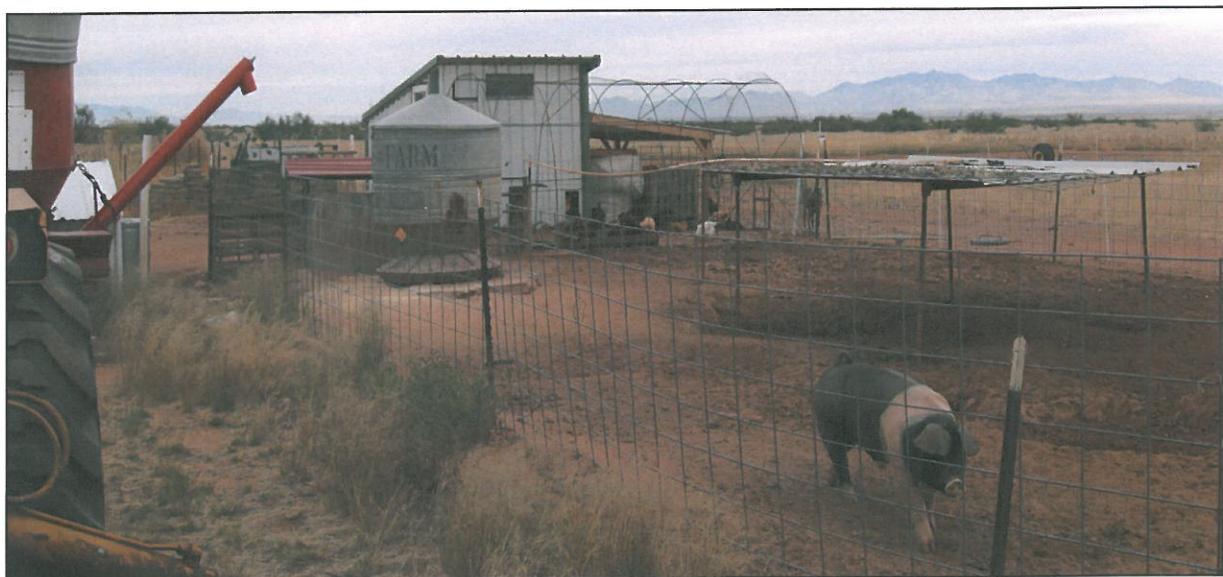
V. ANALYSIS OF IMPACTS

Mandatory Compliance

The subject property lies within a Category “D”—Rural Growth Area and is considered a “Rural Density / Agriculture and Green Space” land use designation area (per the Mid Sulphur Springs Valley Area Plan). Section 402 of the County Zoning Regulations permits owners of property lying within “Rural Density Residential” land use areas to request a rezoning to RU-4.



Above: fruit tree orchard; below: small farm animal pens.



Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria used to evaluate rezoning requests. Nine of the criteria are applicable to this case, and the request as submitted complies with each.

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

The attached Concept Plan is adequate for the proposed “downzoning.” Note that Section 2208.03.B.1 does not relate specifically to what is proposed. That is, the rezoning would not facilitate a new residential subdivision development and so would not require a new subdivision plat submittal. From a structural standpoint, the property is essentially already developed; the only new land uses proposed involve cultivation of additional acreage beyond the current level, not any new structures.

2. Compliance with the Applicable Site Development Standards—Complies.

In the future, the Applicant intends to construct a durable fence around the property to keep wildlife out of his crops – such construction would not require a permit in any case. This is the only new construction reported by the Applicant to staff. All other future plans involve cultivation of all or part of the site.

As a family farm with home and accessory structures already built prior to obtaining the agricultural exemption, the developed area of the property is already in compliance with SR-43 site development standards. Downzoning to RU-4 would not render any structures non-compliant with the site development standards for the RU-4 District.

The nine-acre site has recently been relieved of all basic permitting requirements owing to its agricultural exemption. This Factor could therefore be said not to apply to this Docket. However, land uses allowed by Special Use Permit would still require a public process and subsequent permit.

3. Adjacent Districts Remain Capable of Development – Complies.

The proposal would not affect the development prospects of any neighboring property.

4. Limitation on Creation of Nonconforming Uses—Complies.

The proposal would not create any potential for non-conforming uses.

5. Compatibility with Existing Development –Complies.

The immediate area is characterized by smaller-scale homestead farming operations. Development on the property is in keeping with the rural character of development in the area, so RU-4 zoning would be appropriate.

6. Rezoning to More Intense Districts—Not Applicable.

As discussed, the proposal is for a less-intense Zoning District. Under the SR-43 Regulations, nine homes could be built on the property; with just under 10 acres, RU-4 zoning would allow for only two homes on the same property.

7. Adequate Services and Infrastructure – Complies.

The home is served by an on-site well and septic system. SSVEC provides electric power and the Sunsites Volunteer Fire Department provides emergency services.

8. Traffic Circulation Criteria – Complies.

Rezoning to RU-4 would not open the door to significant traffic increases, but rather, would result in development that would be well within the capacity of the local transportation network to handle. The property borders Allen Street, which is County-maintained.

9. Development Along Major Streets—Not Applicable.

The property does not border any major street. Access to Ironwood Road is approximately one-half mile to the South along Skyline Road.

10. Infill—Not Applicable.

This Factor applies only for rezoning requests to GB, LI or HI, and therefore not applicable.

11. Unique Topographic Features – Not Applicable.

This Factor only applies to rezonings to more intense districts, and not to “downzonings.”

12. Water Conservation—Not Applicable.

This criterion is applicable only to rezonings associated with Master Development Plans.

13. Public Input—Complies.

As a request to downzone the property, a Citizen Review Report was not required for this case. However, staff did notify property owners within 1,500 feet of the site. Staff posted the property on November 15, 2012, and published a legal notice in the *Bisbee Observer* the same day. To date, staff has received two statements of support from neighboring property owners, and four letters opposing the request. Opposition to the request focused mainly on concerns about declining property values.

14. Hazardous Materials – Not Applicable.

No hazardous materials are proposed as part of the development plan.

15. Compliance with Area Plan - Complies

The property is within the boundaries of the *Mid Sulphur Springs Valley Area Plan*. In Article 2 of that Plan, the “Agriculture/Rural Density and Green Space” designation calls for a minimum lot size of four acres for rural density development. The proposal would facilitate such development at the density prescribed by the Plan. The Area Plan specifically addresses rezoning requests such as described in this Docket, stating that “[v]oluntary downzonings in these areas are strongly encouraged.”

VI. SUMMARY**Factors in Favor of Approval**

1. Allowing the request would be in keeping with the character of development in the area;
2. The request is in keeping with the Rural Growth Area policies of the Comprehensive Plan, and the density prescribed in the Mid Sulphur Springs Valley Area Plan;
3. On December 12, the Planning and Zoning Commission voted unanimously to forward a recommendation of conditional approval.
3. Two neighboring property owners have expressed support for the proposal.

Factor Against Approval

1. Four neighboring property owners oppose the request, citing concerns about reduced property values.

VII. RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends that the Board of Supervisors **conditionally approve** Docket Z-12-07, subject to the following standard conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.

Mr. Chairman, I recommend we approve Docket Z-12-07, subject to the conditions recommended by staff.

VIII. ATTACHMENTS

- A. Rezoning Application
- B. Concept Plan
- C. Location Map
- D. Public Comment
- E. Legal Notice