



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## MEMORANDUM

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

**FROM:** Peter Gardner, Planner I  
For: Beverly J. Wilson, Deputy Director Planning Division

**SUBJECT:** Docket Z-97-06A (Cooper)

**DATE:** June 25, 2013 for the July 9, 2013 Meeting

### APPLICATION FOR A REZONING

The Applicant seeks to rezone a 5.32 acre parcel from MH-36 (one dwelling per 3,600 square feet) to TR-36 (one dwelling per 36,000 square feet). The parcel was conditionally rezoned from TR-36 to MH-36 in 1997. No conditions have been met and the Applicant seeks to revert the zoning to TR-36. The property (Parcel #121-03-005) is located at milepost 301 S. Lee Street in Saint David, AZ. The Applicant is Patricia Cooper.

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

Size: 5.32 Acres  
 Current Zoning: MH-36 (Multiple-Household Residential, 1 dwelling per 3,600-square feet)  
 Growth Area: Category C (Rural Community Area)  
 Area Plan: *Saint David Community Plan*  
 Comprehensive Plan Designation: Neighborhood Conservation  
 Existing Uses: Vacant Land  
 Proposed Uses: None

#### Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-36	ADOT Yard
South	TR-36	Single-Family Residential
East	TR-36	Vacant Land/Ranch Land
West	GB / State Highway	S. Lee Street/Single-Family Residential/Church

## **II. PARCEL HISTORY**

In 1997 the current owners of the property applied for a rezoning from TR-36 to MH-46 and a Special Use Authorization for a Recreational Vehicle Park. Both requests were granted Conditional Approval. To date no conditions of approval have been met, rendering the Special Use Authorization void. However, the conditional rezoning is still pending.



*East view of the property from across S. Lee Street.*

## **III. NATURE OF REQUEST**

The Applicant, Patricia Cooper, has abandoned the plans to construct an RV Park on the property and has listed the property for sale as a whole or as separate one-acre lots. Due to the current conditional zoning Staff cannot issue permits for any construction beyond repair or agricultural uses. The Applicant is requesting that the zoning be reverted to R-36, the current equivalent of TR-36. This type of rezoning request is often referred to as “*downzoning*” because if granted, the minimum lot size would increase from 3,600 sq.-ft. minimum lots to 36,000 sq.-ft. minimum lot size.

## IV. ANALYSIS OF IMPACTS

### Mandatory Compliance

The subject property lies within a Category “C”— Rural Community Area and is considered a “Neighborhood Conservation” land use designation area per the *Saint David Community Plan*. The R-36 zoning is permitted in the Category “C” areas, and the request to rezone to R-36 complies with the *Saint David Community Plan* as detailed below.



*Sale sign currently located on the property.*

### Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Eleven of the criteria are applicable to this request, which, as submitted, complies with all of the eleven applicable factors.

**1. Provides an Adequate Land Use/Concept Plan. Not Applicable.**

At this time there are no uses proposed on the property. The parcel is currently being offered as one-acre home sites.

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

As noted above, the 5.32-acre parcel is undeveloped. downzoning to R-36 would not negatively impact the ability of the parcel to be developed.

**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.**

If approved, the rezoning would not create any non-conforming land uses.

**5. Compatibility with Existing Development –Complies.**

There is precedent for R-36 zoning in the immediate area; the requested rezoning would match R-36 zoning at three sides of the property.

**6. Rezoning to More Intense Districts—Not Applicable**

As indicated, this request is for a downzoning which in this case would reduce the permitted density by a factor of ten.

**7. Adequate Services and Infrastructure – Complies.**

The property currently has all services available, and is located on a State highway.

**8. Traffic Circulation Criteria – Complies.**

Because this request is to reduce density, rezoning from MH-36 to R-36 would decrease the permitted density by a factor of ten with a corresponding decrease in potential traffic.

**9. Development Along Major Streets—Complies.**

As noted above, the requested downzoning would decrease traffic needs substantially.

**10. Infill—Not Applicable.**

This Factor applies only for rezoning requests to General Business, Light Industry or Heavy Industry.

**11. Unique Topographic Features – Complies.**

There are no exceptional topographic features warranting consideration on or near the site which would preclude downzoning the property.

**12. Water Conservation—Complies.**

As this proposed downzoning would reduce permitted maximum density (from 3,600 sq.-ft. lots to 36,000 sq.-ft. lots), potential water usage is also likely to decrease.

**13. Public Input—Complies.**

As this is a downzoning request, the Applicant was not required to complete a Citizen Review. Staff published a legal notice and notified neighboring property owners within 1,000 feet and received no responses.

**14. Hazardous Materials – Not Applicable.**

No hazardous materials are proposed as part of this request.

**15. Compliance with Area Plan - Complies**

The subject property lies within a Category “C”– Rural Community Area and is considered a “Neighborhood Conservation” land use designation area per the *Saint David Community Plan*. The Neighborhood Conservation designation is intended to protect existing neighborhoods on lots of one-acre or less from non-residential uses. This request would comply by removing the possibility of a high density RV Park being established on the property.

The Saint David Plan also encourages “large lot sizes (one-acre or larger)”. The proposed zoning of R-36 permits lot sizes of 0.83 acres is much large than what the current MH-36 zoning allows at 3,600 sq.-ft.

## **V. SUMMARY**

The rezoning (“*downzoning*”) request is for a parcel of 5.32-acres in Saint David. This request would eliminate a conditional rezoning that was approved 16 years ago to facilitate the development of an RV park that has not come to fruition.

The neighborhood is home to a large number of lots zoned R-36 and with similar character to the subject property. The *Saint David Community Plan* designates the site for Neighborhood Conservation; this designation essentially constitutes a recommendation on the part of the Area Plan for a rezoning to a lower-density zoning district, constituting a major Factor in Favor of Approval. A rezoning to the R-36 would therefore reflect the policies of the Plan, would better reflect the character of the surrounding neighborhood, and is a reasonable extension of existing zoning in the immediate area of the subject parcel.

Staff’s recommendation is based upon the above analysis, as well as the following Factors in Favor and Against approval:

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

1. Allowing the request would be in keeping with the character of development in the area;
2. The *Saint David Community Plan* and Comprehensive Plan policies prescribe a low density of residential development in this area to protect the current character of the neighborhood, and the request would facilitate such a density; and
3. The request would remove the conditional zoning and permit the development of the property.

### **Factor Against Approval**

None apparent

## **VI. RECOMMENDATION**

Based on the Factors in Favor of Approval, staff recommends **conditional approval** of Docket Z-97-06A, subject to the following standard condition:

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.

*Madame Chair, I recommend we approve Docket Z-97-06A subject to the Condition recommended by staff.*

**VII. ATTACHMENTS**

- A. Location Map