



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, Planning Director

SUBJECT: Docket Z-14-01 (Franz)

DATE: January 10, 2014 for the January 28, 2014 Meeting

APPLICATION FOR A REZONING

The Applicants seek to rezone four parcels totaling 60-acres from TR-36 (Residential, one dwelling per 36,000-square feet) and RU-2 (Rural, one dwelling per two acres) to RU-4 (Rural, one dwelling per four acres). The parcels were conditionally rezoned from RU-4 to TR-36 and RU-2 in 2005; the conditions have not been met, and the Applicant seeks to revert the zoning to its former RU-4 designation. The property (Parcels no. 106-15-094, -094C, -094D, & -094E) are located on E. Ronald Reagan Parkway in the Babocomari Land Grant in Huachuca City, AZ. The Applicants are Jeffery & Barbara Franz.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

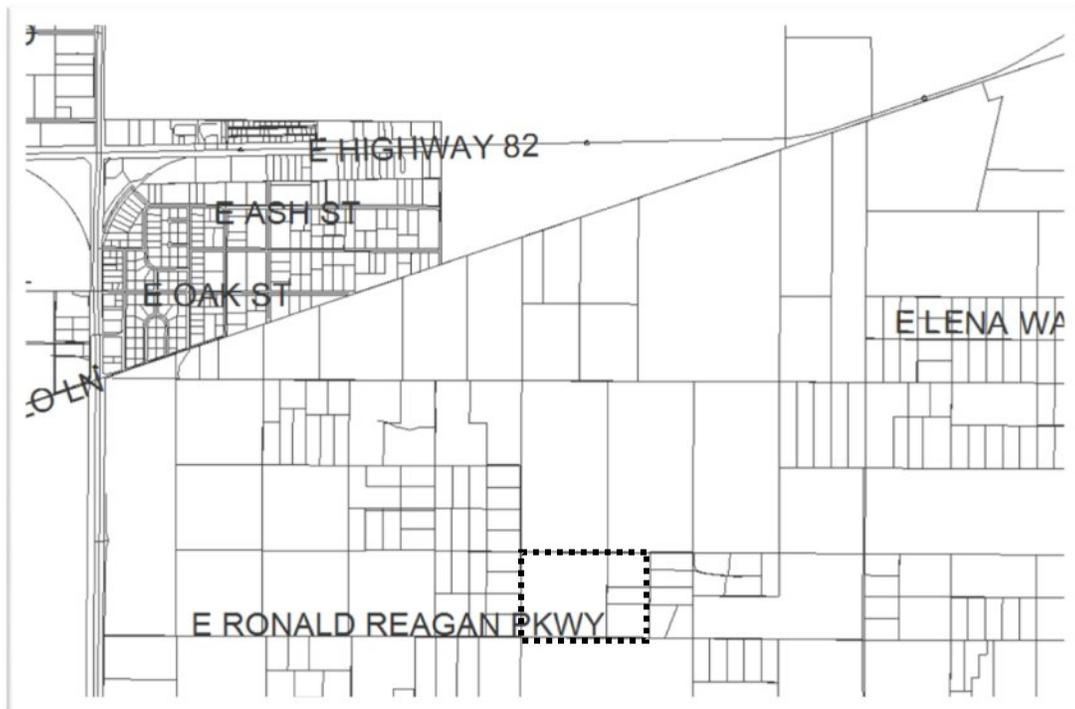
Size: 60-Acres
 Current Zoning: TR-36 (Residential, 1-dwelling per 36,000-square feet) and RU-2 (Rural, 1-dwelling per two acres)
 Growth Area: Category B (Community Growth Area)
 Area Plan: *Babocomari Area Plan*
 Comprehensive Plan Designation: Low Density Residential
 Existing Uses: Vacant Land
 Proposed Uses: None

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	TR-36 / RU-2 (Conditional)	Vacant
South	TR-36 / RU-2 (Conditional)	Vacant
East	RU-4	Vacant / Single Family Dwellings
West	TR-36 (Conditional) / RU-4	Vacant / Single Family Dwellings

II. PARCEL HISTORY

In 2005, a previous owner of the property applied for a rezoning from RU-4 to TR-36 and RU-2, and was granted Conditional Approval (Docket Z-05-27). One of the Conditions of Approval, as required by the adopted *Babocomari Area Plan* (2006), indicates that any rezoning to a higher density to facilitate residential development must proceed under the County's subdivision process. To date, no developer has initiated a subdivision process for any of the subject parcels. The current owners and Applicants, Mr. & Mrs. Jeffery and Barbara Franz, are attempting to sell the parcels and wish to have zoning reverted to the original RU-4.



The subject site consists of four parcels in the Babocomari Land Grant.

III. NATURE OF REQUEST

The Applicants were not involved in the original rezoning to TR-36 and RU-2, however, the conditional zoning restricts residential development to the County's subdivision process. The Applicants are requesting that the conditional zoning be reverted to RU-4 to facilitate selling the property for the purposes of building single-family residences. This type of rezoning request is often referred to as "downzoning" because if granted, the minimum lot size would increase from 36,000 sq.-ft. minimum lots to a four-acre minimum lot size.



Southwest view of the property.

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

Section 2208.03 of the Zoning Regulations requires that the amendment of zoning District boundaries take place in compliance with the Comprehensive of Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category “B”– Community Growth Area and is considered a “Low-Density Residential” land use designation area per the *Babocomari Area Plan*. RU-4 zoning is permitted in the Category “B,” “Low-Density Residential” areas, so this request to rezone to RU-4 complies with the Babocomari Plan as detailed below.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Eight of the criteria are applicable to this request, and all of the eight applicable factors are met.

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

The Applicant intends to sell the parcels “as is.” The proposal is intended to facilitate standard, rural homesite development, but the parcels would be eligible for the full range of allowed principal, accessory, and Special Uses per Article 6 of the Zoning Regulations.

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

As noted above, the 60-acre site is undeveloped. Downzoning to RU-4 would not negatively impact the ability of the parcel to be developed. Any new development proposal would be subject to Rural District development standards.



Example of current conditions in the area.

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 RU-4 zoning in the immediate area; there is currently RU-4 zoning adjacent to the parcel.

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 approximately a factor of five.

7. Adequate Services and Infrastructure – Not Applicable.

As this request is for a downzoning, this factor does not apply.

8. Traffic Circulation Criteria – Complies.

Because this request is to reduce density, rezoning from TR-36 and RU-2 to RU-4 would decrease the permitted density, with a corresponding decrease in potential traffic.

9. Development Along Major Streets—Not Applicable.

The area is not served by roads within the County Maintenance system.

10. Infill—Not Applicable.

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

11. Unique Topographic Features – Not Applicable

As this request is for a downzoning, this factor does not apply.

12. Water Conservation—Complies.

As this proposed downzoning would reduce permitted maximum density, potential water usage would also likely decrease.

13. Public Input—Complies.

As this is a downzoning request, the Applicants were not required to complete a Citizen Review; however, they did so voluntarily. The Applicant received inquiries, but no opposition. Staff published a legal notice and notified neighboring property owners within 1,000-feet of the property and received inquiries, but no support or opposition.

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 “B”– Community Growth Area and is considered a “Low-Density Residential” land use designation area per the *Babocomari Area Plan*. The Neighborhood Conservation designation is intended to create neighborhoods with lots of one-acre or more. This request would comply by creating a minimum lot size of four-acres per dwelling.

V. SUMMARY

The rezoning (“*downzoning*”) request is for four parcels totaling 60-acres in the Babocomari. This request would eliminate a conditional rezoning that was approved eight years ago contingent on the approval of a Subdivision Plat. Due to the failure of any developer to proceed with the subdivision process the area is characterized by open expanses, with all current development occurring on parcels zoned RU-4. The *Babocomari Area Plan* designates the site for Low Density Residential. This designation essentially constitutes a recommendation on the part of the Area Plan for a rezoning to a lower-density zoning district, providing a major Factor in Favor of Approval. A rezoning to the RU-4 district would therefore reflect the policies of the Plan, and would better reflect the character of the surrounding neighborhood.

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

Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of development in the area;
2. The *Babocomari Area 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 owner to develop the property.

Factors Against Approval

None apparent

VI. RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends **Conditional Approval** of Docket Z-13-03, subject to the following standard Conditions:

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.

VII. ATTACHMENTS

- A. Location Map
- B. Rezoning Application
- C. Citizen Review Letter