



COCHISE COUNTY

COMMUNITY DEVELOPMENT

"Public Programs...Personal Service"

MEMORANDUM

TO: Cochise County Board of Supervisors
Through: Michael J. Ortega, County Administrator
FROM: Beverly Wilson, Planning Director
SUBJECT: Docket Z-14-06 (Ryan)
DATE: June 17, 2014, for the July 8, 2014 Meeting

APPLICATION FOR A REZONING

The Applicant has requested rezoning a 3.7-acre parcel from RU-4 (Rural; one dwelling per 4-acres) to RU-2 (one dwelling per 2-acres) to legitimize a non-conforming lot as it pertains to minimum lot size. If the rezoning is approved, the Applicant would build a single-family residence and accessory workshop. The property (Parcel #120-02-001E) is currently vacant and unaddressed, but is located along the north side of East Ramsey Road, an ADOT-maintained frontage road east of incorporated Benson and just north of Interstate 10. The Applicant is Ken Ryan.

I. PLANNING AND ZONING COMMISSION

On Wednesday, June 11, 2014, the Planning and Zoning Commission voted 5-0 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: 3.7-acres
 Current Zoning: RU-4 (Rural; 1 dwelling per 4-acres)
 Requested Zoning: RU-2 (Rural; 1 dwelling per 2-acres)
 Growth Area: Category D—Rural Area
 Area Plan: None
 Comprehensive Plan Designation: Rural
 Existing Uses: Undeveloped
 Proposed Uses: Addition of one single-family dwelling and accessory garage/workshop

Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4	undeveloped
South	RU-4	I-10
East	RU-4	undeveloped
West	RU-4	Scattered residential

III. PARCEL HISTORY

There are no records of any permits or violations for the subject parcel.



Subject parcel crosshatched at right, located approximately 1.5-miles east of incorporated Benson.

IV. NATURE OF REQUEST

The Applicant purchased the vacant property in order to construct a single-family dwelling and accessory workshop with the understanding that the property conformed to minimum zoning requirements. When the Applicant realized the discrepancy, staff was consulted about how to proceed. Because the property is smaller than the minimum four-acres required for one dwelling (and too small to apply for an Administrative Lot Modification), a rezoning is required if the Applicant’s plans to build are to be realized. If the application is approved, a building permit may be submitted and construction of a new dwelling may begin shortly thereafter.

V. ANALYSIS OF IMPACTS

Mandatory Compliance

The subject property lies within a Category D–Rural Area. Section 402 of the County Zoning Regulations allows owners of property lying within this Plan Designation to request a rezoning to RU-2.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria used to evaluate rezoning requests. Ten of the criteria are applicable to this request, which, as submitted, complies with all 10 of the applicable factors.

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

The attached Concept Plan is adequate for the purpose of rezoning review. If approved, the Applicant would be required to submit a site plan that conforms to all residential permit submittal requirements, including a site plan that identifies setbacks and height of and distance between proposed structures, for example.

2. Compliance with the Applicable Site Development Standards: Not Applicable at this time.

The property is currently undeveloped. However, as noted in Section 1, above, at the time of residential permit submittal, compliance with all applicable site development standards would be required. For example, the minimum setback for permitted structures and uses in the RU-4 zoning districts is 20-feet. If rezoned to RU-2, the minimum required setback *would not* change, nor would any other minimum applicable site development standards.

3. Adjacent Districts Remain Capable of Development: Complies

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

4. Limitation on Creation of Nonconforming Uses: Complies

The proposal would not create any non-conforming land uses.

5. Compatibility with Existing Development: Complies

The area is characterized by scattered residential development with one small-scale, low-impact non-residential use (residential care facility) in the vicinity. A residential use would be in keeping with the pattern of existing development in this area.

6. Rezoning to More Intense Districts: Complies

The Zoning Regulations provide several criteria for compliance with this factor, including the extent to which the rezoning “provides a transition between an existing less intense district and a more intensive district.” Residential development at densities greater than one dwelling per two-acres occurs in the general area, particularly to the west closer to incorporated Benson. The properties surrounding the subject parcel are zoned RU-4, including properties immediately south of I-10. More intense R-36 zoning (Residential; one dwelling per 36,000 sq.-ft.) begins to appear just a quarter-mile west of the subject property. Section 2208.02 of the Zoning Regulations provides a scale of intensity for established Zoning Districts within the County. Based on this scale, an RU-2 zoning district would be considered a reasonable transition from lower density RU-4 zoning to higher density R-36 zoning to the west of the subject parcel.

7. Adequate Services and Infrastructure: Complies

The property is served by East Ramsey Road. Traffic along this portion of East Ramsey Road is comparatively light, and although this roadway is ADOT-maintained, the far eastern portion near to the subject property is located (near to where East Ramsey Road dead-ends) is not maintained to the degree or frequency as other roads in that agency's system. Despite this, East Ramsey Road is adequate for the anticipated small increase in residential traffic to and from the property.

A private well and septic system would be installed at the time of construction. SSVEC would provide electric power and the Benson Fire Department provides emergency services to this area.

8. Traffic Circulation Criteria: Complies

An additional residential use in this area would not compromise traffic circulation in this area.

9. Development Along Major Streets: Not Applicable

The property does not border any major street.

10. Infill: Not Applicable

This Factor applies only for rezoning requests to GB, LI or HI.

11. Unique Topographic Features: Complies

There are no exceptional topographic features warranting consideration on or near the site.

12. Water Conservation: Complies

The property is not within the Sierra Vista Sub-watershed, but would need to comply with any applicable County-wide water conservation measures, per Section 1820 of the Zoning Regulations.

13. Public Input: Complies

The Applicant completed the required Citizen Review process and received one phone inquiry regarding the location of the subject parcel. Staff posted the property on May 21, 2014, and published a legal notice in the *Bisbee Observer* on May 22, 2014. The Department also mailed notices to property owners within 1,500-feet of the site. To date, staff has not received any statements for or against the request.

14. Hazardous Materials: Not Applicable

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

15. Compliance with Area Plan: Not Applicable

The subject property does not lie within the bounds of an approved Area Plan.

VI. SUMMARY

The request is to rezone a 3.7-acre parcel from RU-4 to RU-2 located approximately 1.5-miles east of incorporated Benson. The rezoning is necessary in order for the Applicant to proceed with the residential building permit process. 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 rezoning and subsequent residential use would be in keeping with the overall character of development in the area; and

2. Rezoning to RU-2 for the purpose described would not change minimum site development standards requirements.

Factors Against Approval

None apparent.

VII. RECOMMENDATION

Based on the Factors in Favor of Approval, staff recommends that the Board of Supervisors **approve** Docket Z-14-06, 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.

Sample Motion: Madame Chair, I recommend we approve Docket Z-14-06, subject to the Conditions recommended by staff.

VIII. ATTACHMENTS

- A. Rezoning Application
- B. Location Map