



# 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-14-07 (Bloomgarden)  
**DATE:** November 20, 2014, for the December 02, 2014 Meeting

#### APPLICATION FOR A REZONING

The Applicant has requested a rezoning from R-36 (Residential; minimum lot size 36,000-square feet) to R-18 (Residential; minimum lot size 18,000-square feet). The subject parcel is approximately 21,750-square feet in size, and is non-conforming regarding the minimum lot size required in the R-36 zoning districts. Rezoning to R-18 would reduce the minimum lot size, which would render the parcel conforming and would allow replacement of the existing home at a later date. The subject parcel, 107-68-050B, is located at 4401 E. Camino Segundo in Sierra Vista. The Applicant is Bloomgarden Living Trust.

#### I. PLANNING AND ZONING COMMISSION

On Wednesday, November 12, 2014, the Planning and Zoning Commission voted 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. No objections were received.

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

Size: 21,746.09-square feet (0.5-acres)  
 Current Zoning: R-36 (Residential; 1 dwelling per 36,000-sqaure feet)  
 Requested Zoning: R-18 (Residential; 1 dwelling per 18,000-square feet)  
 Growth Area: Category B—Community Growth Area  
 Area Plan: None  
 Comprehensive Plan Designation: Neighborhood Conservation  
 Existing Uses: Single Family Residence  
 Proposed Uses: Same

#### Surrounding Zoning

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Single Family Residences

South	County Maintained Road/R-36	E. Camino Segundo/Single Family Residences
East	County Maintained Road/R-36	S. Santa Lucia Avenue/Single Family Residences
West	R-36	Single Family Residences

**III. PARCEL HISTORY**

- 1995 – Variance BA1-95-07 approved to permit replacement of both homes on parent parcel (Two dwellings on 43,560-square feet of TR-36)
- 1995– Permit issued to replace mobile home on subject parcel with a site built home.
- 1997– Rezoning Z-97-12 from R-36 to R-18 denied.
- 1998 – Parent parcel split into -050A & -050B in contravention of Zoning.
- 1999 – Applicant purchased the subject parcel in its current state.



*Subject parcel, east of Highway 92, south of incorporated Sierra Vista.*

**IV. NATURE OF REQUEST**

The Applicant purchased the home as-is and now wishes to sell the property. Since the property is non-conforming, and Staff may not issue building permits save for fencing and minor repairs, lenders will not finance the parcel since the home cannot be rebuilt if it is destroyed.

**V. ANALYSIS OF IMPACTS**

**Mandatory Compliance**

The subject property lies within a Category B–Community Growth Area. Section 402 of the Zoning Regulations allows owners of property lying within this Plan Designation to request a rezoning to R-18.

**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 ten of the applicable factors.

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

The request is not connected to any new construction. The rezoning is requested for the purpose of legitimizing the property to facilitate sale.

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

The property meets all site development standards in the R-18 zoning district.



*View of the site from the corner of E. Camino Segundo and Santa Lucia Avenue.*

**3. Adjacent Districts Remain Capable of Development: Complies**

The proposed rezoning would not affect the development prospects of any neighboring property. All surrounding properties are currently developed.

**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 dense residential development. There are several other similar parcels in the surrounding blocks that have been split and have single family homes on them. These parcels were split prior to the adoption of zoning in 1975, and are therefore legal non-conforming, with reduced site development standards.

**6. Rezoning to More Intense Districts: Complies**

While small, isolated rezonings to more intense districts are generally discouraged, the fact that the parcel and the surrounding area are completely developed precludes this rezoning from harming the neighboring properties. The current development is not proposed to be enlarged, which also will not cause harm to the adjoining parcels.

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

The site is currently developed and served by all necessary infrastructure.

**8. Traffic Circulation Criteria: Complies**

No new construction is proposed, nor would an additional residence be permitted if the rezoning request is approved.

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

While E. Camino Segundo is classified as a Collector Road, the access point currently exists, and the rezoning will not create any additional access points.

**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: Does not apply at this time.**

The property is within the Sierra Vista Sub-watershed, but is currently developed and no new construction is proposed. If the rezoning is approved and the home is replaced in the future, all appropriate water conservation measures required by the zoning regulations will apply.



*Looking northeast toward the subject property.*

*The mobile home on the adjacent undersized parcel is visible on the left.*

### **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 October 21, 2014, and published a legal notice in the *Bisbee Observer* on October 23, 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 0.5-acre parcel from R-36 to R-18 in the Sierra Vista Estates area located south of incorporated Sierra Vista. The rezoning is necessary in order for the Applicant to proceed with a sale of the property by rendering the property conforming and therefore rebuildable. 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 not alter the overall character of development in the area; and

2. Rezoning to R-18 for the purpose described would not change minimum site development standards requirements for any future construction.

**Factors Against Approval**

None apparent.

**VII. RECOMMENDATION**

Based on the Factors in Favor of Approval, staff recommends that the Planning and Zoning Commission forward Docket Z-14-07 to the Board of Supervisors with a recommendation of **Conditional Approval**, 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: Madam Chair, I recommend forwarding Docket Z-14-07 to the Board of Supervisors with a recommendation of conditional approval, subject to the Conditions recommended by staff. (The Board of Supervisors will consider this Docket at their regular meeting of Tuesday, December 2, 2014).*

**VIII. ATTACHMENTS**

- A. Rezoning Application
- B. Staff/Agency Comments
- C. Citizen Review Letter and Report