



**Cochise County**  
**Community Development**  
**Planning, Zoning and Building Safety Division**

*Public Programs...Personal Service*  
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MEMORANDUM

TO: Cochise County Board Of Supervisors  
VIA: James Vlahovich, County Administrator  
FROM: Peter Gardner, Planner I  
FOR: Mary Gomez, Interim Planning Director  
SUBJECT: Docket Z-15-05 (Preble)  
DATE: June 25, 2015 for the July 25, 2015 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, and therefore would render the parcel conforming and would permit replacement of the existing home at a later date. The subject parcel, 107-68-050A, is located at 4409 E. Camino Segundo in Sierra Vista. The Applicant is Kristin Preble.

I. PLANNING AND ZONING COMMISSION

On Wednesday, August 12, 2015, the Planning and Zoning Commission voted 7-0, with one abstention, to forward this Docket to the Board of Supervisors with a recommendation of approval. The motion included the conditions of approval recommended by staff, with a modification to Condition #3, clarifying that only the access portion of the easement is to be abandoned. No objections were received from any member of the Public.

II. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size:	21,746 square feet (0.50 acres)
Current Zoning:	R-36 (Residential, one dwelling per 36,000 square-feet)
Proposed Zoning:	R-18 (Residential, one dwelling per 18,000 square feet)
Growth Area:	B - Community Growth Area
Comprehensive Plan Designation:	Neighborhood Conservation

**Planning, Zoning and Building Safety**

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floodplain@cochise.az.gov

Area Plan: None  
Existing Uses: Vacant  
Proposed Uses: Residence

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Single Family Residences
South	/R-36	Single Family Residences
East	County Maintained Road/R-36	S. Santa Lucia Avenue/Single Family Residences
West	R-36	Single Family Residences



*Above: Location map.*

### 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)

1997– Rezoning Z-97-12 from R-36 to R-18 denied.

1998 – Parent parcel split into -050A & -050B in contravention of Zoning.

2015 – Existing mobile home removed.

### IV. NATURE OF REQUEST

The Applicant inherited the property as-is and now wishes to replace the previously removed mobile home with a new manufactured home. 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 eight of the applicable factors. With the recommended conditions the request complies with all of the applicable factors.

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

The request is to permit the replacement of a previously permitted manufactured home in the same, compliant location.

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 existing foundation.*

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 (Subject to Condition 3)

No new construction is proposed, nor would an additional residence be permitted if the rezoning request is approved. The neighbor to the south has requested that the current access easement across his property be abandoned, and the subject parcel take access from Santa Lucia rather than Camino Segundo.

9. Development Along Major Streets: Complies (Subject to Condition 3)

While E. Camino Segundo is classified as a Collector Road, S. Santa Lucia Ave. is a Local Road, and therefore better suited for residential access.

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.



*View of the home to the south, the driveway easement, and the north home site.*

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 July 28, 2015, and published a legal notice in the *Bisbee Observer* on July 16, 2015. The Department also mailed notices to property owners within 1,000-feet of the site. To date, staff has received one statement with concerns about the request, which is attached.

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. MODIFICATIONS TO DEVELOPMENT STANDARDS

None required or requested.



*A view of the site looking west from S. Santa Lucia Ave.*

VII. PUBLIC COMMENT

The Planning Department mailed notices to neighboring property owners within 1,000-feet of the subject property. Staff posted the property on July 28, 2015 and published a legal notice in the *Bisbee Observer*

on July 16, 2015. In response to applicant and County mailings, the Planning Department received one letter regarding the request, which is attached.

### VIII. SUMMARY AND CONCLUSION

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

1. One neighbor has expressed concerns in writing regarding the request.

### IX. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the docket to the Board of Supervisors with a recommendation of Conditional Approval, subject to the following 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.
3. The access portion of the easement across parcel 106-68-050B be abandoned, and a new access from S. Santa Lucia Avenue be established.

### X. ATTACHMENTS

- A. Application
- B. Site Plan
- C. Citizen Comment