



Cochise County

Community Development

Planning, Zoning and Building Safety Division

Public Programs...Personal Service
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MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Jim Henry, Planner I
FOR: Paul Esparza AICP, Planning Director
SUBJECT : Docket Z-15-08 (Newell)
DATE: February 1, 2016 for the February 10, 2016 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from MR-1 (Multiple Dwelling Residential; one dwelling per 3,600 ft.) to GB (General Business). The subject parcel is 40.04-acres in size and is currently zoned GB, MR-1, and SR-12. The rezoning would extend the current GB zoning 320 ft. to the north to facilitate the Applicant's desire to install a manufactured home with a setback of 450 ft. Manufactured homes are not permitted in an MR-1 zoning district.

The subject parcel, APN 202-49-018 is located on E. Old Stewart Road approximately a quarter mile to the east of the intersection of N. Old Stewart Ramp / N. Huntington Road near Willcox, AZ. The Applicant is Sharon Newell.

PLANNING AND ZONING COMMISSION

On Wednesday, February 10, 2016, the Planning and Zoning Commission voted 8-0 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 from any member of the public.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size:	1,744,343.61 sq. ft. (40.04 acres)
Current Zoning:	GB (Residential; one dwelling per 3,600 sq. ft.) MR-1 (Residential; 1 dwelling/ 9,000 sq. ft.) SR-12 (Residential; 1 dwelling / 9,000 sq. ft.)
Proposed Zoning:	GB
Growth Area:	B
Comprehensive Plan Desig.:	B- Developing / Neighborhood Conservation
Area Plan:	None
Existing Uses:	Vacant
Proposed Uses:	Residential

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Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-43 & SR-12	Vacant
South	N/A	State of Arizona
East	SR-12, GB, & MR-1	Vacant
West	SR-12 & GB	Single Family Residential

II. PARCEL HISTORY

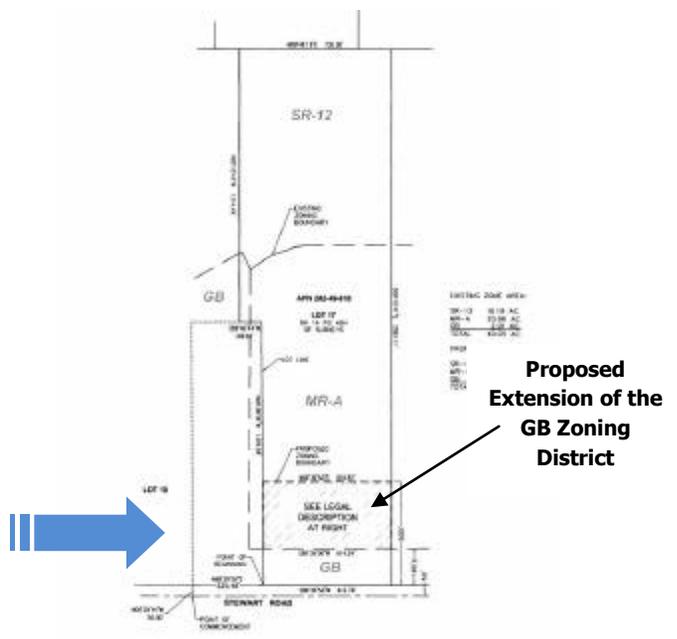
None

III. NATURE OF REQUEST

The Applicant purchased the property several years ago with the intention of eventually placing a manufactured home on the property to be closer to her daughter, son and law, and granddaughters who all reside in Willcox, AZ. However, the current MR-1 (formally known as MR-A) and SR-12 zoning districts do not allow manufactured homes. The Applicant assumed based on the size of the parcel, the rural character of the area, and with the support of the Covenants, Conditions, and Restrictions (CC&R's) that the parcel's current zoning would allow a manufactured home to be placed on the property. The GB zoned section of the property does allow for manufactured homes, yet the portion of the property zoned GB does not satisfy the Applicant's desire for a greater setback from Old Stewart Road and Interstate 10. Therefore, the Applicant is requesting an extension of the current GB zoning district. Specifically, the Applicant requests to rezone the southern section of the property (approximately 4.52 acres of the 40.04 acre parcel) from MR-1 to GB.



Current Zoning



Proposed Rezoning



View of the proposed area to be rezoned looking south



A view to the north



A view to the west

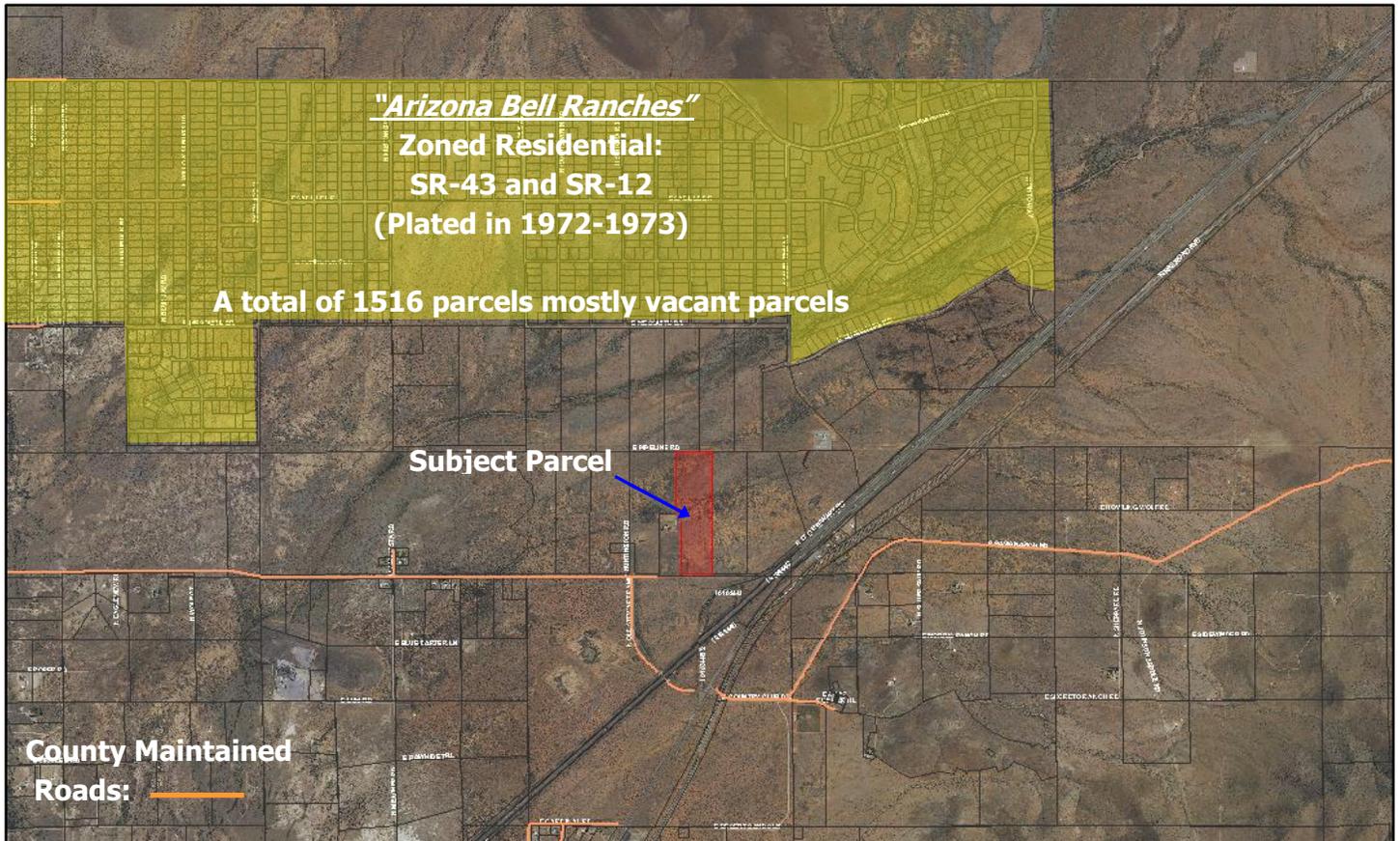


A view to the south



A view to the east

Staff has not been able to locate records that would explain the unusual triple zoning that exists on this parcel and others in the area. It is possible that when this area was initially zoned, the original developers planned for a commercial strip along Old Stewart Road, where the subject parcel is located, to accommodate the needs of future residents of the area. This would make sense, given the subject parcel's proximity to "Arizona Bell Ranches" subdivision. However, this area has yet to develop and still maintains much of its rural character, as it did when the present zoning districts were established. Currently, the area consists of mostly undeveloped vacant land.



Location Map

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

The subject property lies within a B-Developing Area. Section 402 of the Zoning Regulations allows owners of property within this Plan Designation to request a rezoning to GB.

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, fully complies with nine of the applicable factors.

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

The proposal is to extend the current GB zoning an additional 320 ft. to the north on a 40.04 acres parcel to allow the Applicant to install a manufactured home. The Applicant has provided a map drawn to scale that illustrates the existing and proposed District boundaries as well as an accurate legal description of the area being petitioned for amendment (see attachment A).

2. Compliance with Applicable Site Development Standards: Complies

The proposal will meet all site development standards of the GB zoning district should the rezoning be approved.

3. Adjacent Districts Remain Capable of Development: Complies

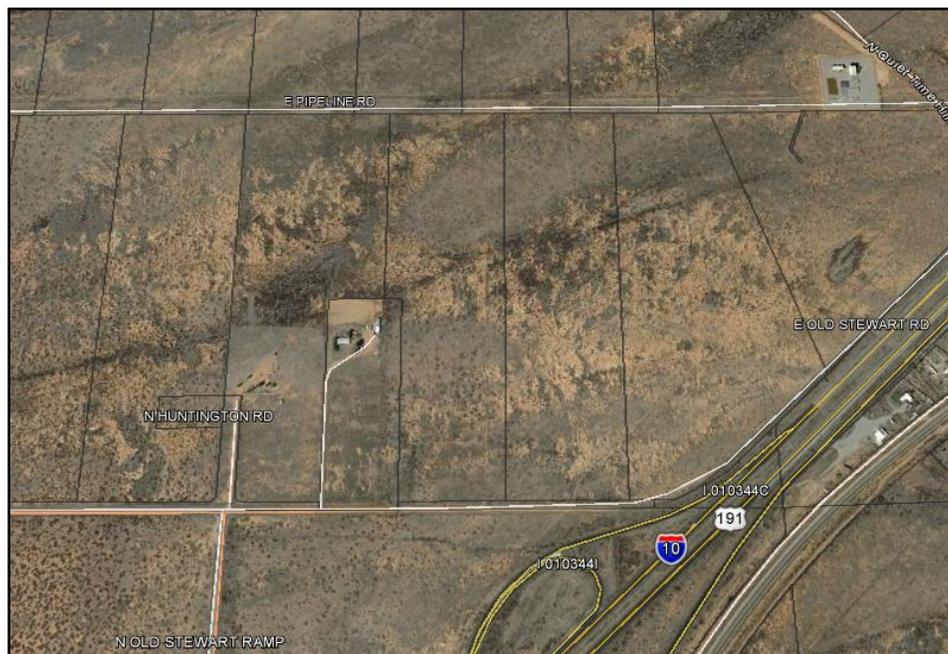
The proposed rezoning would not affect the development prospects of any neighboring property. The subject parcel is bounded to the north by two vacant parcels of similar size that are zoned SR-43 and SR-12. To the east lies a parcel of similar size and zoning configuration as the subject parcel and is also vacant. To the west, lies two parcels, the smaller parcel is zoned GB and the other parcel is zoned GB and SR-12. These parcels consist of mostly open space, each with a residential dwelling. To the south of the subject parcel lies a large parcel of undevelopable State land.

4. Limitation on Creation of Nonconforming Uses: Complies

The proposal would not create any non-conforming land uses. An approval of the rezoning would allow the Applicant to place a manufactured home on her property in a legal manner that would abide by the zoning regulations governing the GB zoning district.

5. Compatibility with Existing Development: Complies

The two parcels to the west of the subject parcel are the only developed properties near the subject parcel; both parcels abut the subject parcel and are currently developed as residential single-family properties. The smaller parcel immediately to the west of the subject parcel is zoned GB. Thus, the addition of a manufactured home on the subject parcel would not be out of character with the exiting development in the area.

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

The request to rezone approximately 4.52 acres of land from MR-1 to GB, which is a reasonable extension of the GB zoning district currently in place, with the extension, the subject parcel will maintain its current transition and sufficient buffer between the MR-1 and SR-12 zoning districts in place on the subject parcel.

7. Adequate Services and Infrastructure: Complies

Access to the subject property is taken from Old Stewart Road, via the Old Stewart Road ramp from Interstate 10. Old Stewart Road is a private roadway, but becomes a county maintained road approximately 950 ft. to the east of the subject parcel. Interstate 10 is approximately 1,300 ft. to the west of the subject parcel's driveway. No special driveway requirements apply to a residential use on a non-county maintained roadway.

Law enforcement services are provided by the Cochise County Sheriff's Office. Health Care Innovations (HCI) provides EMS services. However, the parcel is not covered by a fire district. Water will be provided to the site via a well the Applicant has drilled and a septic system will be installed in the future. Sulphur Springs Valley Electric Cooperative (SSVEC) will provide electricity to the property. Accordingly, the site will have the infrastructure necessary for the placement of a manufactured home, should the rezoning request be approved.

8. Traffic Circulation Criteria: Complies

According to the County's transportation planner,

"the placement of a mobile home further off from the roadway, would not likely change the existing traffic circulation or create any new traffic impacts. A single family residential unit, either on the existing MR-1 zoned site or on a GB site, would likely generate an estimated 9.52 trips per day, per the ITE Manual, 9th edition".

See attachment C for a more detailed transportation analysis.

9. Development Along Major Streets: Partially Complies

Access to the subject parcel is taken from Old Stewart Road, which is listed by the Transportation Department as a "Rural Minor Access" road, but because the segment of the road that abuts the subject parcel is not County maintained, the proposal only partially complies with this factor. The County maintained portion of Old Stewart Road starts approximately 950 ft. to the east of the subject parcel.

10. Infill: Does not Comply

This factor applies specifically to rezoning to GB, LI, and HI in an existing "Enterprise" or "Enterprise Redevelopment" plan designation area. This factor is designed to encourage infill in areas where commercial and industrial development already exists. Although the proposal is to partially rezone the southern section of the subject parcel to GB and it is located in a County designated "Enterprise Redevelopment Zone". The proposal does not include a commercial or industrial component, and the surrounding area is either vacant or developed for residential purposes. Consequently, the proposal does not comply with this factor.

11. Unique Topographic Features: Not Applicable

From a topographical standpoint, the subject parcel is relatively level, a dry wash runs across the northern section of the parcel there, but is not exceptional and does not warrant consideration. The entire parcel is in an "X" flood plain, which means it lies outside of the 0.2% annual chance of a flooding event.

12. Water Conservation: Not Applicable (at this time)

If the rezoning is approved, all appropriate water conservation measures required by the zoning regulations will apply at the time of building permit issuance.

13. Public Input: Complies

The Applicant completed the required Citizen Review process and has not received a response as of the date of this memo. Staff mailed notices to neighboring property owners within 1,500 ft. of the subject property on January 20, 2016. Staff posted the property on January 21, 2016 and published a legal notice in the *Bisbee Observer* on January 21, 2016.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Area Plan: Not Applicable

The parcel is not in an Area Plan.

V. MODIFICATIONS TO DEVELOPMENT STANDARDS

The Applicant is not requesting waivers from the County's site development standards.

VI. PUBLIC COMMENT

In response to Applicant and County mailings, the Planning Department has received one letter of support for the request.

VII. SUMMARY AND CONCLUSION

The proposal as submitted fully complies with nine of the criteria staff uses to evaluate rezoning requests. Four of the factors are not applicable, the request partially complies with one of the factors, but does not comply with the "Infill" factor. The request is to rezone a portion of a parcel of land located near Willcox, AZ from MR-1 to GB extending the current GB zoning 320 ft. further to the north. The rezoning is necessary in order to accommodate the Applicant's desire to place a manufactured home on the parcel with a setback of 450 ft. 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. The proposal fully complies with nine of the factors criteria staff uses to evaluate rezoning requests.
2. Approval of the rezoning for a residential use would not alter the overall character or the density of existing development in the area.
3. The proposal is in general conformance to the surrounding zoning districts.
4. Rezoning to GB would not change the minimum site development standard requirements for any future construction on the parcel.
5. Staff has received one letter in support of the request.

Factors Against Approval

None

VIII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends **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.

IX. ATTACHMENTS

- A. Application
- B. Site Plan
- C. Agency Comment Memo
 - i. Transportation Analysis dated January 5, 2016 from the County Transportation Planner
- D. Public Comment