



**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: Paul Esparza AICP, Planning Director  
 SUBJECT: Docket Z-16-01 (Slaughter)  
 DATE: June 9, 2016 for the June 28, 2016 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from R-36 (Residential; one dwelling per 36,000 ft) and RU-2 (Rural; one dwelling per 2 acres) to RU-4 (Rural; one dwelling per four acres). The subject parcel is 24.29 acres and was rezoned in 2005 from RU-4 to the current R-36 and RU-2, with the condition that any development occur under a subdivision plat. The requested rezoning will return the zoning to the original RU-4, and would permit development without a subdivision plat.

The subject parcel, APN 106-15-015C is located on E. KC Williams Lane approximately 900 feet to the east of the intersection of E. KC Williams Lane and N. Zosimo Drive. The Applicant is John Slaughter.

PLANNING AND ZONING COMMISSION

On Wednesday, June 8, 2016, the Planning and Zoning Commission voted 7-0 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: 24.29 acres  
 Current Zoning: R-36 (Residential; one dwelling per 36,000 square feet) & RU-2 (Rural; one dwelling per 2 acres)  
 Proposed Zoning: RU-4 (Rural; one dwelling per 4 acres)  
 Growth Area: B – Community Growth Area  
 Plan Designation: Low Density Residential  
 Area Plan: Babocomari Area Plan  
 Existing Uses: Vacant  
 Proposed Uses: Residential

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36 & RU-2	Vacant
South	R-36 & RU-2	Vacant

**Planning, Zoning and Building Safety**  
 1415 Melody Lane, Building E  
 Bisbee, Arizona 85603  
 520-432-9300  
 520-432-9278 fax  
 1-877-777-7958  
 planningandzoning@cochise.az.gov

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 1-800-752-3745  
 highway@cochise.az.gov  
 floodplain@cochise.az.gov

East	RU-2	Vacant
West	RU-4	Single Family Residential

**II. PARCEL HISTORY**

In 2005, the Applicant applied for a rezoning from RU-4 to R-36 and RU-2, and was granted Conditional Approval (Docket Z-05-30). Approximately nine acres were granted R-36 zoning, and approximately 15 acres were granted RU-2 zoning.

**III. NATURE OF REQUEST**

One of the Conditions of Approval of Docket Z-05-30, as prescribed by the adopted Babocomari Area Plan, requires that any residential development at a higher density than RU-4 must proceed under the County's subdivision process. To date, no developer has initiated a subdivision process for the subject parcel. The Applicant, Mr. John Slaughter, is attempting to sell the parcel and wishes to have the zoning reverted to the original RU-4 so that the buyer may build a residence.

Under the current conditional R-36 and RU-2 zonings, the parcel could be split into as many as 16 lots per another condition of Z-05-30. If the zoning is reverted to the original RU-4, than the parcel could not be legally split into more than six lots, and if split into six, would require a subdivision plat under State Law. Therefore, the effective density is being decreased by at least 63% if the rezoning back to RU-4 is approved.





A view to the north



A view to the west



A view to the south



A view to the east



A view of the home located to the east

## 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 or 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" 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 Area Plan as detailed below.

### Compliance with Rezoning Criteria

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

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

The Applicant intends to sell the parcel "as is." The proposal is intended to facilitate standard, rural home site development, but the parcel would be eligible for the full range of allowed Principal, Accessory, and Special Uses per Article 6 of the Zoning Regulations.

#### 2. Compliance with Applicable Site Development Standards: Complies

As noted above, the 24.29-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.

#### 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 and Rural Residential development in the immediate area; there is currently RU-4 zoning and Rural Residential development 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 63%.

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

The parcel and the existing road network all support the necessary infrastructure to develop the parcel under the guidelines for the RU-4 zoning designation. Power currently exists along the parcel, and area is served by private wells.

#### 8. Traffic Circulation Criteria: Complies

This rezoning request will not alter the layout or function of the existing roadway network and will not require right-of-way dedication or off-site improvements. 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

This parcel does not take access off a Major roadway and 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 could decrease.

## 13. Public Input: Complies

As a downzoning, the Applicant was not required to complete a Citizen Review. Staff mailed notices to neighboring property owners within 1,500 ft. of the subject property on May 16, 2016. Staff posted the property on May 20, 2016 and published a legal notice in the *Bisbee Observer* on May 19, 2016. No responses were received.

## 14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

## 15. Compliance with Area Plan: Complies

The subject property lies within a Category "B"– Community Growth Area and is considered a "Low-Density Residential" area per the Babocomari Area Plan. This 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. PUBLIC COMMENT

In response to County mailings, the Planning Department has received no response.

VI. SUMMARY AND CONCLUSION

The rezoning request is for a rezoning, from R-36 (Residential; one dwelling per 36,000 ft) and RU-2 (Rural; one dwelling per 2 acres), to RU-4 (Rural; one dwelling per four acres) on a 24.29-acre parcel located on E. KC Williams Lane approximately 900 feet to the east of the intersection of E. KC Williams Lane and N. Zosimo Drive in the Babocomari Area Plan. This request would eliminate a conditional rezoning that was approved eleven years ago requiring any residential development to occur under a Subdivision Plat. At this time, no developer had proceeded with the subdivision process, and 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 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 existing character of the surrounding neighborhood.

## Factors in Favor of Approval

1. Allowing the request would be in keeping with the character of the existing 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 allow the owner to develop the property.

## Factors Against Approval

None

VII. 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.

VIII. ATTACHMENTS

- A. Application
- B. Location Map
- C. Agency Comment Memos
- D. AYAA Letter Z-05-30