



# Cochise County

## Development Services

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### MEMORANDUM

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Robert Kirschmann, Planner II  
**SUBJECT:** Docket RZ22-12 and CP22-02 (Fort Mohave)  
**DATE:** July 5, 2022, for the Meeting of July 13, 2022

### APPLICATION FOR A REZONING

The applicant requests a rezoning from R-36 (Residential one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per 4 acres). A Comprehensive Plan Amendment is included because the lots are designated as C-Neighborhood Conservation. This designation does not allow zoning for larger lots (RU-4). The Applicant is requesting to extend the Category D-Rural area west of Bell Ranch Road to include the 6, one +/- acre lots the applicant owns.

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

Applicant: Mr. and Mrs. Thomas and Marti Mathews  
Location: Southeast corner of Bell Ranch Road and Fort Mohave  
APN: 401-16-386 through 391  
Parcel Size: 6.76 Acres  
Current Zoning: R-36 (Residential, one dwelling per 36,000 square feet)  
Proposed Zoning: RU-4 (Rural; one dwelling per 4 acres)  
Growth Area: C – Rural Community Areas  
Proposed Growth Area: D-Rural Areas  
Plan Designation: Neighborhood Conservation  
Proposed Plan Designation: Rural  
Area Plan: None  
Existing Uses: Vacant  
Proposed Uses: Single Family Home

### Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Single Family Residence/ Vacant
South	R-36	Single Family Residence/ Vacant
East	R-36	Single Family Residence
West	RU-4	Bell Ranch Road/ Agriculture

### **Planning, Zoning and Building Safety**

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**II. PARCEL HISTORY**

None

**III. NATURE OF REQUEST**

The Applicant, Mr. and Mrs. Thomas and Marti Mathews are requesting a rezoning from R-36 (Residential, one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per 4 acres).

A Comprehensive Plan Amendment is included because the lots are designated as C- Neighborhood Conservation. This designation does not allow zoning for larger lots (RU-4). The Applicant is requesting to extend the Category D-Rural area west of Bell Ranch Road to include the 6, one +/- acre lots the applicant owns.

The subject properties are located on the southeast corner of Bell Ranch Road and Fort Mohave. The parcels are identified as 401-16-386 through 391 totaling 6.76 acres.

**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 "C" Rural Community Area. The area is then designated as Neighborhood Conservation (NC). Despite the Category being "Rural" the NC designation does not allow for zoning as large as RU-4 ( one dwelling per four acres).



**PLAN DESIGNATION**

**PERMITTED ZONING DISTRICTS**

Neighborhood Conservation (NC)

R-36, R-18, R-9, NB, SM-36, SM-18, SM-9, SR-43, SR-22, SR-12, SR-8, MR-1, MR-2

*Section 402 of the Zoning Regulations*

Residential, one dwelling per 36,000 (R-36) is the largest lot allowed. The area is remote, and although is part of a subdivision, it has not developed as originally planned. Many parcels within the subdivision have been combined. Further north in this subdivision the County has approved rezoning requests to RU-4. There are large agricultural uses to the west. The Zoning Regulations state:

*404.07 Designating Areas as Rural (R) Areas designated as "Rural" are identified as those remaining lands in Category D Rural Areas that are not designated Rural Residential. They are identified by one or more of the following characteristics: sparsely populated; larger lot sizes; agricultural production or grazing; availability of sites large enough for intensive industrial uses that cannot be accommodated in other growth areas; large expanses of private and public lands; and/or have developed and undeveloped recreational resources.*

This designation is more appropriate and will also reduce the number of homes that could be built. This reduces the demand on water and reduces potential traffic increases.



**Compliance with Rezoning Criteria**

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests.

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

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. The Rezoning to RU-4 is to allow the applicant to be able to opt-out of Building Code and allow a rural living consisting of farming and animal raising.

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

The proposed parcel exceeds 4 acres. The proposed home and accessory structures will be able to meet development standards.

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

Surrounding properties remain able to develop.

**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**

The parcel is located in a rural area with a few nearby homes. Most of these homes are located on an acre or more. The downzone to larger lots will be compatible with current development patterns of the general area.

**6. Rezoning to More Intense Districts: Not Applicable**

As indicated, this request is for a downzoning, which will reduce the permitted density.

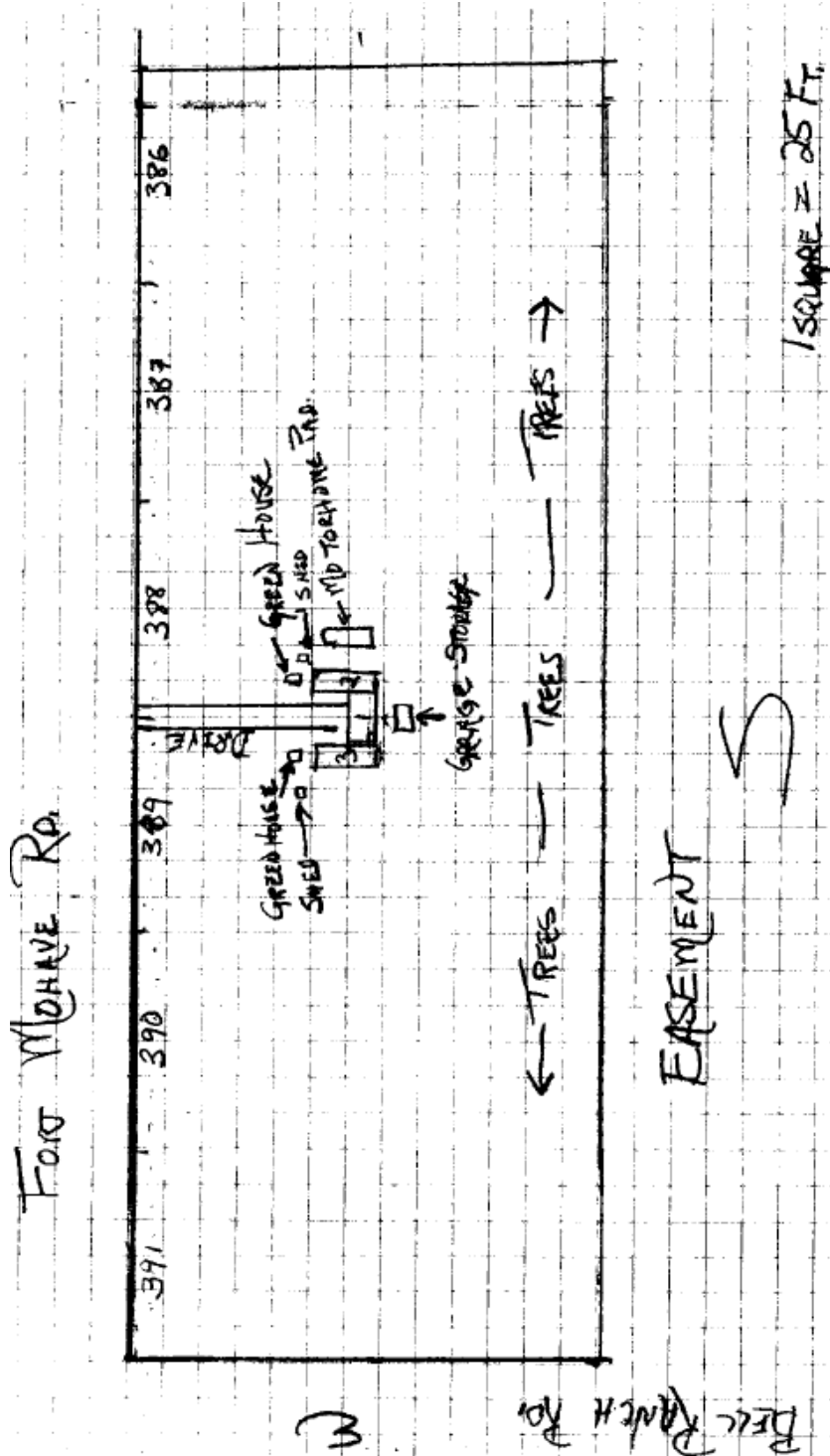
**7. Adequate Services and Infrastructure: Complies**

The applicant will be responsible for verifying legal and putting in physical access to the parcel. Bell Ranch Road is County maintained but Fort Mohave is private. This request will reduce the potential traffic on the area roads.

**8. Traffic Circulation Criteria: Complies**

As mentioned above the downzoning will reduce the permitted density to a more appropriate designation for that area. Rezoning from R-36 to RU-4 would decrease the permitted density, 6 lots to one.

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



Though the parcel has access to Bell Ranch Road, no access to it is requested at this time.

**10. Infill: Not Applicable**

This factor applies only to rezoning requests to General Business, Light Industry, or Heavy Industry.

**11. Unique Topographic Features: Complies**

No unique topographic features exist that will prevent the development of the property.

**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 1,000 feet of the subject property on June 9, 2022. Staff posted the property on June 17, 2022, and published a legal notice in the Herald/Review June 17, 2022. The Department received no written responses. Several phone calls were received. Some were just asking questions about the request and if they could also do the same thing on their property.

**14. Hazardous Materials: Not Applicable**

No hazardous materials are proposed.

**15. Compliance with Area Plan: Complies**

The subject property is not located within an area plan. With

the approval of the Comprehensive Plan then the RU-4 would be consistent and compatible with the comprehensive plan and surrounding properties.

**IV. SUMMARY AND CONCLUSION**

The request is for a comprehensive plan amendment and accompanied downzoning, from R-36 (Residential, one dwelling per 36,000) to RU-4 (Rural; one dwelling per four acres) on 6.76 acres. The area is characterized by open expanses and widely scattered residential development on larger lots. The Comprehensive Plan Amendment will facilitate the rezoning request.

**Factors in Favor of Approval**

1. The request complies with twelve of the applicable rezoning factors used by Staff to analyze this request;
2. The request would be in keeping with the character of the existing development in the area.

**Factors Against Approval**

1. None identified.



**V. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends forwarding the comprehensive plan amendment from C-Neighborhood Conservation to Rural and rezoning request, from R-36 (Residential, one dwelling per 36,000) to RU-4 (Rural; one dwelling per four acres) on a 6.76-acre parcel to the Board of Supervisors with a recommendation of **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. The applicant's responsibility is to obtain any additional permits or meet any additional conditions that may apply to the proposed use pursuant to other federal, state, or local laws or regulations.
3. All parcels shall be merged prior to submittal of any permits.