



## Development Services

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### MEMORANDUM

**TO:** Cochise County Board of Supervisors  
**FROM:** Matthew Taylor, AICP, Planner II  
**THROUGH:** Christine McLachlan, AICP, Planning Division Manager  
**FOR:** Richard Karwaczka, County Administrator  
**SUBJECT:** Dockets CPA23-04 and RZ23-23 (Camino de Mesa)  
**DATE:** March 26, 2024

### Dockets CPA23-04 and RZ23-23 (Camino de Mesa)

Comprehensive Plan and zoning amendment requests to change land use designation from *Developing to Rural Residential*; growth area category from *Category B – Community Growth Areas* to *Category D – Rural Areas*; and zoning district from *R-18 (Residential District, one dwelling per 18,000 square feet)* to *RU-4 (Rural District, one dwelling per 4-acres)*.

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

Applicant: Charles Blevins  
Location: NW Corner Camino de Mesa and Sheila Street  
APN: 106-18-009C and 009D  
Parcel Size: 25.8 acres  
Current Zoning: R-18 (Residential, one dwelling per 18,000 square feet)  
Proposed Zoning: RU-4 (Rural District, one dwelling per 4-acres)  
Growth Area: B – Community Growth  
Plan Designation: Developing  
Existing Uses: Undeveloped  
Proposed Uses: Single Family Residences

### Surrounding Zoning and Land Uses

North	R-36, RU-4	Single Family Residential
South	R-36	Single Family Residential
East	RU-4	Undeveloped
West	R-36	Single Family Residential

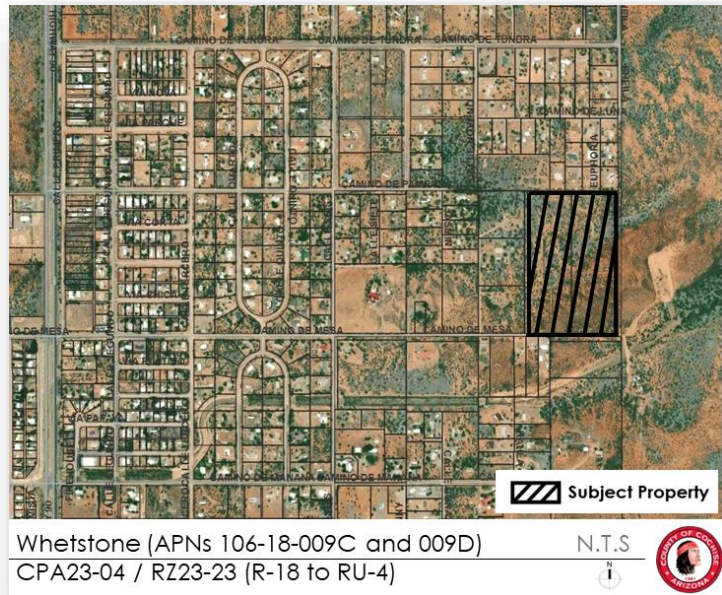
### II. PARCEL HISTORY

The property was rezoned from R-36 to R-18 in 1997 to allow a residential subdivision with 45-50 lots (Docket Z97-14). Current Comprehensive plan land use and growth area designations were in place at that time and the property has remained undeveloped.

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### III. COMPLIANCE WITH LAND USE AMENDMENT CRITERIA

Cochise County Comprehensive Plan land use designations and growth area categories are designed to guide land development from a regional scale to individual parcels, promoting orderly development that preserves character, facilitates cohesive development, and encourages efficient uses of land. The Plan may be amended by major or minor amendment from time to time, and State law requires comprehensive plan updates at specific intervals, typically every 10 years. Plan updates ensure goals, objectives, and land use designations do not become obsolete due to rapid development, significant changes in use patterns, or anticipated development trends that have not occurred.



Plan amendments may be either major or minor. Major amendments involve a substantial alteration of Cochise County's land use mixture or balance that increases potential densities or intensities of uses for an area of 2,000 acres or more. Minor amendments are requests that fall below the threshold of a major amendment. In this case, the applicant is requesting a minor Plan amendment, changing land use and growth area designations of about 25 undeveloped acres in Whetstone to allow a downzone from R-18 to RU-4.

Section 302.A.2 of the plan identifies six (6) criteria used to evaluate Plan amendments. As submitted to the county, this request complies with two (2), does not comply with two (2), and two (2) do not apply.

#### 1. Pattern of Growth No Longer Reflects the Type of Growth Expected in the Current Designation: Complies

The subject properties are designated 'Developing' and located within growth area B. General descriptions of these designations include:

- *Developing: Areas experiencing non-rural growth that includes scattered uses including residential, business, industrial, or agriculture; areas in transition that should periodically be re-evaluated.*
- *Growth Area B (Community Growth Areas): Areas adjacent to urban growth or larger rural communities; transitioning from rural to more urbanized development pattern; moderate level of residential and/or non-residential growth; distinctive community identity; adequate infrastructure to accommodate medium to high density residential development; residential lots of one acre or less with large lots at area fringe; improved arterial or collector streets; potential for future development with open space opportunities.*

Whetstone generally fits these land use designations. The property is located within the broader northeast intersection of Highways 90 and 82 which is characterized by commercial uses and higher density residential developments along the roadways that transition to lower density residential beginning at ¼ mile from the roadway out to one mile from Highway 90. The subject property is in an area predominately zoned R-36 with lot sizes significantly larger, including several over one acre. Several parcels with four acres or more zoned RU-





significantly changed suggests a mix of residential densities and re-evaluation of current plan designations, especially for areas more than ½ mile from Highways 90 and 82, are appropriate for Whetstone.

#### 4. Substantial Support from Property Owners: Does Not Comply

Planning staff has not received substantial property owner support for the proposed Plan and zoning amendments. The applicant received multiple responses to the mandatory mailing, but responses were general inquiries without clear positions of support or opposition to the proposed plan amendment or rezone.

#### 5. 'Developing' Designations Should Be Changed to Another Designation as a Distinguishable Pattern of Development Has Occurred: Complies

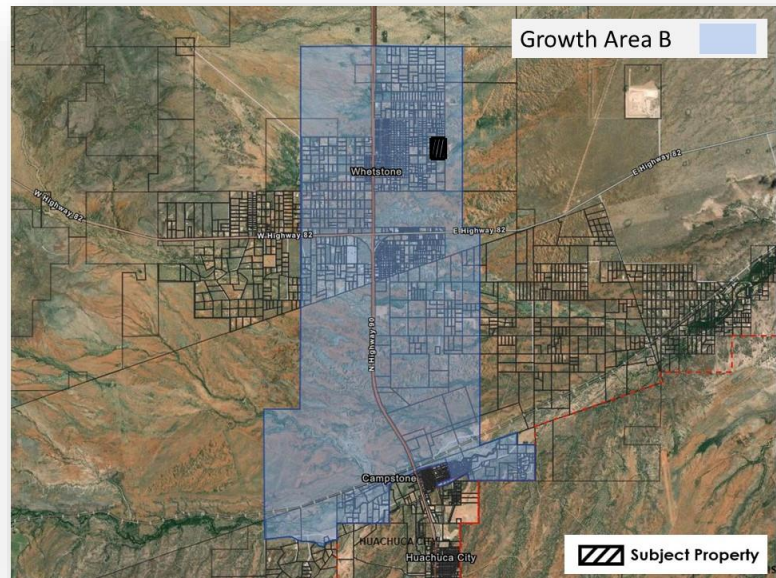
Land uses and lot sizes ½ mile and greater away from Highways 90 and 82 are single family residences on parcels of approximately one acre and more. Most residential subdivision activity has occurred within ¼ mile from Highway 92 one mile or less from the intersection with Highway 80. The Plan's 'Developing' land use designation is a broad mixed-use designation, allowing single-family residential uses on parcels ranging between 9,000 square feet and 2 acres. Also allowed by this designation are higher density residential developments with as little as one dwelling unit per 3,600 square feet and non-residential land uses permitted in business and industrial zoning districts. The periphery of Whetstone development is predominately low density residential, but the Plan designation would allow development more consistent with what would be seen in a more urbanized area: low to high density residential development with a variety of more intense and potentially incompatible commercial and industrial uses mixed in. Given the established low density residential development pattern away from Highways 90 and 82 more residential-oriented land use and growth area designations would be more appropriate for the subject property and surrounding properties.

#### 6. New Designation Provides a Harmonious Transition Between Existing Designations: Does Not Comply

The applicant proposes the 'Rural Residential' land use designation for the property. A general description of this designation includes:

- *Rural Residential: definite residential development pattern on larger lots two acres or larger; rezonings and special uses allowing more intense development not directly serving residents are not generally appropriate; less intense businesses that serve residents may be appropriate.*

The subject property is designated as 'Developing' by the Plan, and this designation extends one mile west of Highway 92 between Highway 82 and Lobo Lane. This designation extends further to the east of Highway 92, one and ¼ mile. On both sides of Highway 92 the land use designation changes from 'Developing' to 'Rural.' Additionally, growth areas change from B to D. The subject property is adjacent to three parcels of at least 4 acres to the west and large acreages of RU-4 zoned lands with limited residential development, undeveloped,



or used for agriculture to the east. Successful plan and zoning amendments appear out of place when looking at county Plan and zoning maps. The existing land use designation and growth area category are disrupted which consequently does not create a harmonious transition between these designations. New designations of 'Rural Residential' and growth area D are not contiguous to the property in question. However, a change to land use and growth area designations enables a change in less intense residential that is more consistent than otherwise allowed by the current zoning district.

#### **IV. COMPLIANCE WITH REZONING CRITERIA**

Section 2.63.080 of the zoning regulations requires zoning district boundaries be in accordance with Comprehensive or Area Plan designations. In this case, the proposed downzone to RU-4 is not consistent with existing 'Developing' or 'Growth Area B – Community Growth Area' Comprehensive Plan designations. The requested rezone from R-18 to RU-4 is contingent on successful Plan amendments to 'Rural Residential' and 'Growth Area D – Rural' Plan designations.

Section 2.63.080 of the zoning regulations provides fifteen (15) criteria for evaluating rezoning requests:

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

The applicant has provided a site plan demonstrating an intent to develop the property with single-family residences on parcels of 4 or more acres.

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

The property totals a combined 25.8 acres and is subject to development standards found in Section 2.15 of the zoning regulations, including setbacks, height, building separation, and lot coverage. Future development of the site is subject to review by numerous county divisions, including building safety, environmental health, engineering and transportation, and flood control.

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

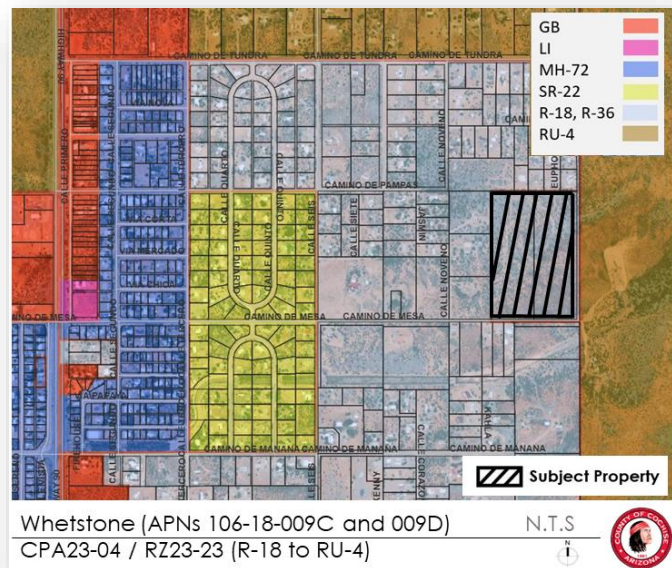
The requested downzone does not prevent surrounding properties from being developed in a manner consistent with their zoning district classification. The property abuts parcels zoned R-36, many already developed with single family residences.

#### **4. Limitation on Creation of Nonconforming Uses: Complies**

Rezoning the property to RU-4 will not result in the creation of nonconforming uses.

#### **5. Compatibility with Existing Development: Complies**

RU-4 zoning would be inconsistent with existing R-36 zoning to the north, south, and west. However, these properties are largely developed with single family residences which is also proposed by the applicant. Large



acres to the east are zoned RU-4 and smaller parcels with residences zoned RU-4 zoning are within ¼ mile to the north, so RU-4 zoning and a single-family residential development pattern are established in the vicinity.

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

A rezone to a more intense zoning district is not proposed. The applicant proposes downzoning the property from R-18 to RU-4, reducing allowed residential density.

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

This factor is used to determine if adequate services and infrastructure are in place to support more intensive land uses. The applicant is proposing a downzone which reduces allowable residential density from one dwelling per 18,000 square feet to one dwelling per 4 acres. Services and infrastructure are in place to support low density residential development.



**8. Traffic Circulation: Complies**

The property takes access from Camino de Mesa which is a county-maintained collector road with an unimproved surface. The applicant proposes a single access point on Camino de Mesa and intends to divide the property into five parcels of four or more acres to participate in the county's owner-builder program. The proposed rezone to RU-4 would allow one principal dwelling per 4 acres with one accessory living quarter on each parcel.

**9. Development Along Major Streets: Not Applicable**

This property is not located on a major street.

**10. Infill Compatibility: Not Applicable**

This factor applies to rezoning requests to General Business (GB), Light Industry (LI), or Heavy Industry (HI) zoning districts.

**11. Unique Topographic Features: Not Applicable**

This factor applies to requests to more intense zoning districts.

**12. Water Conservation: Complies**

The property's existing R-18 zoning district allows one dwelling per 18,000 square feet. Up to 50 dwellings were proposed when the property was rezoned to R-18 in 1997. A downzone to RU-4 reduces the number of allowed principal dwelling units to 6 based on gross acreage. One accessory living quarter could be allowed per parcel, increasing the total number of dwellings 10 under RU-4 zoning district standards. The property is not located within any sensitive water overlay zones, conservation areas, or watersheds. Future development will comply with applicable water conservation regulations and policies identified in the zoning regulations and comprehensive plan.



**13. Public Input: Complies**

The applicant notified property owners within 1000' of the proposed Plan and zoning amendments on January 19, 2024, receiving general inquiries but no responses in direct support or opposition. Staff published legal notice in the Herald/Review and mailed notices to property owners within 1000' of the subject property on February 21, 2024. Staff posted the property on February 20, 2024. The Department has received responses in support and opposition.

**14. Hazardous Materials: Not Applicable**

The applicant is proposing to develop the property for single-family use and does not involve hazardous materials.

**15. Planning Policies: Does Not Comply**

The rezone from R-18 to RU-4 is contingent on the approval of comprehensive plan amendments changing land use designation to 'Rural Residential' and growth area category to 'D – Rural Areas.'

**V. SUMMARY AND CONCLUSION**

The request is to rezone two parcels totaling about 25.8 acres from R-18 to RU-4. Whetstone is characterized by a mix of business and residential uses along Highways 90 and 82 and decreasing land use intensities and residential densities further away from highway frontages. The applicant requests downzoning the property to participate in the county's owner-builder program, and the rezone first requires amendments to the county's Comprehensive Plan land use and growth category designations.

Land use patterns are almost exclusively residential beginning about ½ mile from the highways with most parcels at or near one acre and increasing to several acres. About one dozen parcels of at least 4 acres are located within ¼ mile of the subject property. Staff typically supports downzones to less intense zoning districts and plan amendment requests when proposed uses fit with prevailing, established development patterns. Planning areas designated 'Developing' should be periodically re-evaluated to determine if a development pattern has been established that justifies a change in land use designation, e.g., 'Neighborhood Conservation' where a definitive residential development pattern is established or 'Enterprise' where the development pattern is clearly commercial or industrial. Whetstone is a planning area that will be re-evaluated during the 2025 Comprehensive Plan update process.

**Comprehensive Plan Amendment****Factors in Favor of Approval**

1. Growth patterns do not reflect type of growth expected in current 'Developing' land use designation.
2. 'Developing' designations should be changed when a distinguishable development pattern has occurred.

**Factors Against Approval**

1. The request does not have substantial support from nearby property owners.
2. Amendments to 'Rural Residential' and 'Growth Area D – Rural Areas' would disrupt existing land use designation patterns and not create a harmonious transition between existing designations.

**Zoning Amendment****Factors in Favor of Approval**

1. Complies with nine (9) applicable rezoning factors used to analyze zoning amendments.
2. Downzone reduces allowable residential density.

**Factors Against Approval**

1. Opposition received from nearby property owners.
2. Proposed zoning district allows non-residential uses that could be incompatible with adjacent residential uses.

**VI. RECOMMENDATIONS**

Based on the factors in favor of approval, the Planning and Zoning Commission recommended approval of Dockets CPA23-04 and RZ23-23 (7-0) at their March 13, 2024, meeting without conditions.

Based on the factors in favor of approval, Staff also recommends approval of Dockets CPA23-04 and RZ23-23 without conditions, amending Comprehensive Plan designations and zoning district of APNs 106-18-009C and 106-18-009D from Developing to Rural Residential; Growth Area B (Community Growth Areas) to Growth Area D (Rural Areas); and R-18 (Residential District, one dwelling per 18,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres).

**Sample Motions*****Resolution***

Madam Chair, I move to approve Docket CPA23-04, amending Comprehensive Plan land use and growth area designations of parcels 106-18-009C and 106-18-009D from 'Developing' to 'Rural Residential' and 'Category B (Community Growth Areas)' to 'Category D (Rural Areas)' the Factors in Favor of approval constituting the Findings of Fact.

***Zoning Ordinance***

Madam Chair, I move to approve Docket RZ23-23, rezoning parcels 106-18-009C and 106-18-009D from R-18 (Residential District, one dwelling per 18,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres) the Factors in Favor of approval constituting the Findings of Fact.

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