



## Development Services

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### MEMORANDUM

**TO:** Cochise County Board of Supervisors  
**FROM:** Dan Coxworth, AICP, Director  
**FOR:** Richard Karwaczka, County Administrator  
**SUBJECT:** Docket RZ24-13 (Fort Grant)  
**DATE:** September 24, 2024

### Docket RZ24-13 (Fort Grant Road)

The applicant, Cynthia Griffin, requests rezoning APN 202-12-010A from R-36 (Single-Household Residential, one dwelling per 36,000 square feet) to RU-4 (Rural, one dwelling per 4 acres). The parcel is located on Fort Grant Road north of Willcox.

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

Applicant: Cynthia Griffin  
APN: 202-12-010A  
Parcel Size: 11.23 acres  
Current Zoning: R-36  
Proposed Zoning: RU-4  
Growth Area: D – Rural Areas  
Plan Designation: Rural  
Area Plan: None  
Existing Use: 40 x 60 Metal Building with Living Quarters  
Proposed Use: None

### Surrounding Zoning and Land Uses:

North	R-36	Single-family residence
South	R-36	Vacant
East	R-36	Ranch/Farmland
West	R-36	Ranch/Farmland

### II. PARCEL HISTORY

The owner who constructed the building on the parcel passed away. The applicant, who is the daughter and executor of the estate, wishes to rezone to permit the structure under the owner-builder option.

### III. NATURE OF REQUEST

The applicant requests rezoning from R-36 to RU-4 to participate in the county’s owner-builder program and

permit the existing building on the property.

### **Mandatory Compliance**

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 rezone to RU-4 is consistent with the "Rural" comprehensive plan designation.

### **Compliance with Rezoning Criteria**

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

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

No new development is proposed on the property.

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

The property totals about 11.23 acres and is subject to site development standards found in Section 2.15 of the zoning regulations, including setbacks, height, distances between structures, and lot coverage.

**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 residential and rural zoning classifications.

**4. Limiting Creation of Nonconforming Uses: Complies**

Rezoning the property to RU-4 will not result in the creation of nonconforming uses since existing accessory structures will continue to meet minimum setback requirements and other applicable development standards.

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

The area is largely undeveloped, with sporadic single-family residences and farmland. The county has approved multiple requests to downzone properties consisting of four or more acres to allow property owners to build an accessory structure in accordance with the owner-builder program.

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

A rezone to a more intense zoning district is not proposed. The applicant requests downzoning the subject property from R-36 to RU-4, reducing the allowed residential density. Current zoning would allow one principal residence per 36,000 square feet.

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

Adequate infrastructure exists in the area to support the existing or any future development under the RU-4 zoning.

**8. Traffic Circulation: Complies**

Property access is from Fort Grant Road, a county-maintained road.

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

Property access is from Fort Grant Road, which currently functions as an arterial road.

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**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 rezoning requests to more intense business or industrial zoning districts.

**12. Water Conservation: Not Applicable**

County-wide water conservation requirements identified in Section 2.51.170 of the zoning regulations apply to non-residential uses and properties. This proposed downzone reduces the number of permitted principal dwellings from 11 to two, which suggests an overall reduction in water consumption.

**13. Public Input: Complies**

Applications to downzone property are not subject to Citizen Review requirements identified in the zoning regulations. Staff mailed notices to nearby property owners within 300', posted the property, and published legal notice on August 21, 2024. Staff has not received any responses.

**14. Hazardous Materials: Not Applicable**

The use of hazardous materials is not proposed.

**15. Planning Policies: Complies**

The subject property is designated by the comprehensive plan as "Rural." RU-4 zoning is consistent with the "Rural" land use designation. The county typically supports downzones to less intense land uses that reduce impacts on limited infrastructure or services or that reduce residential densities.

**IV. SUMMARY AND CONCLUSION**

The applicant proposes participating in the county's owner-builder program to permit the existing structure on the property. This program requires parcels to have a minimum site area of four acres and a zoning classification with a minimum site area requirement of four acres.

**Factors in Favor of Approval**

1. Complies with 10 of 10 applicable factors used to evaluate rezoning requests.
2. Proposed use is compatible with established low-density residential growth patterns.
3. Downzone reduces the number of allowed principal dwellings.



4. No opposition from nearby property owners.

**Factors Against Approval**

None identified.

**V. RECOMMENDATIONS**

Based on the factors in favor of approval, the Planning and Zoning Commission recommended approval of Docket RZ24-13 without conditions (7-0) during their September 11, 2024, meeting.

Based on the factors in favor of approval, Staff also recommends approval of Docket RZ24-13 without conditions.

**Sample Motion**

Madam Chair, I move to approve Docket RZ24-13 without conditions, rezoning tax parcel 202-12-010A from R-36 to RU-4, the factors of approval constituting the findings of fact.

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