



Development Services

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MEMORANDUM

TO: Cochise County Board of Supervisors
FROM: Matthew Taylor, AICP, Planner II
FOR: Sharon Gilman, Interim County Administrator
THROUGH: Christine McLachlan, AICP, Planning Division Manager
SUBJECT: Docket RZ24-25 (Winchester Easement)
DATE: January 28, 2025

Docket RZ24-25 (Winchester Easement)

The applicant requests rezoning 5.2 acres from R-36 (Residential District, one dwelling per 36,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres). The property is located at 8243 W. Winchester Road north of Willcox.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING USES

Applicant: Ron and Jessica Engelkes
Location: 8243 W. Winchester Easement
APN: 209-09-240A
Parcel Size: 5.2 acres
Current Zoning: R-36
Proposed Zoning: RU-4
Growth Area: D – Rural Areas
Plan Designation: Rural
Existing Use: Single Family Residential
Proposed Use: Single Family Residential

Surrounding Zoning and Land Uses:

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

II. PARCEL HISTORY

Code compliance actions under previous ownership (2018-2019).

III. NATURE OF REQUEST

The applicant requests rezoning to RU-4 to utilize the county's owner-builder program.

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 comprehensive plan land use and growth area designations.

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

The applicant has provided a concept plan demonstrating an intent to develop the site for single family residential use.

2. Compliance with Applicable Site Development Standards: Complies

The property totals about 5 acres and will be subject to site development standards found in Section 2.15 of the zoning regulations if successfully rezoned to RU-4, 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 R-36 and RU-4 zoning classifications.

4. Limiting Creation of Nonconforming Uses: Complies

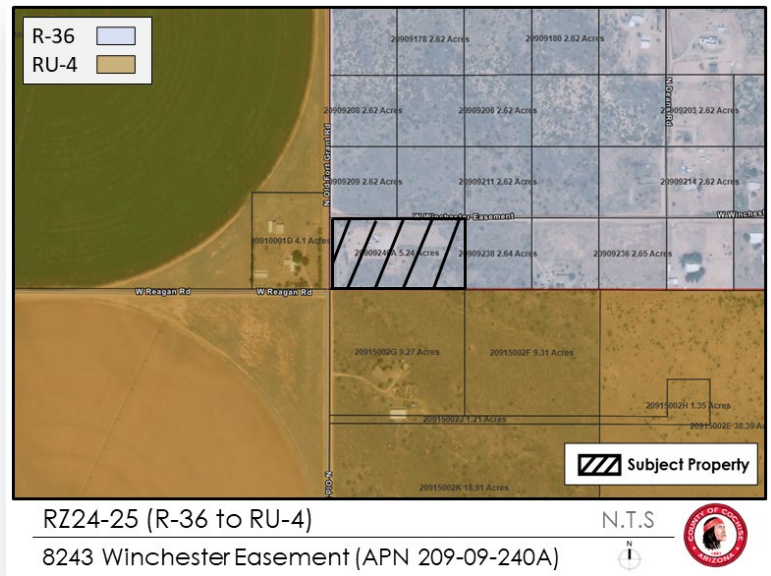
Rezoning the property to RU-4 will not result in the creation of nonconforming uses since the site is intended for residential development and not currently supporting land uses not allowed in RU-4.

5. Compatibility with Existing Development: Complies

The property is located within Winchester Ranch Estates (1960) and was combined into its current configuration in 2022. The area is generally rural residential with sporadic single family residential development on parcels averaging 2.5 acres and the proposed residence is compatible with existing development. Beyond the boundaries of this subdivision are large tracts of agricultural lands with low density residential development. The county continues receiving rezoning applications to downzone properties consisting of four or more acres to RU-4 or SR-174, allowing property owners to build a residence in accordance with the owner-builder program.

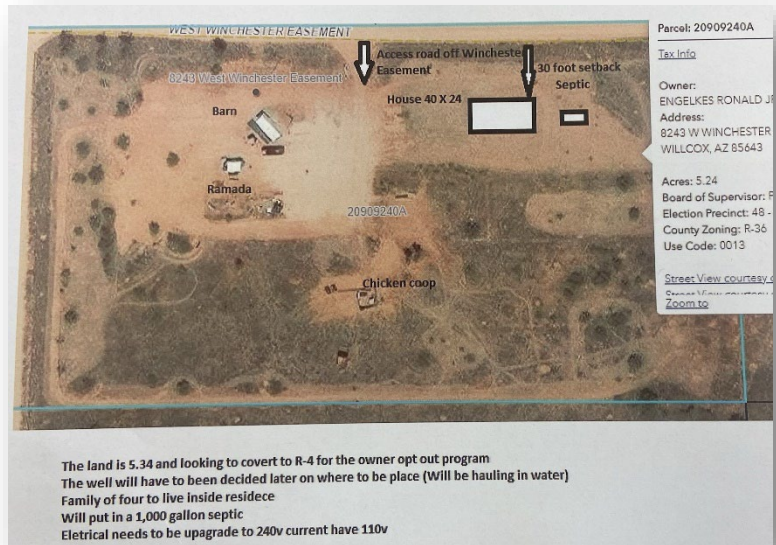
6. Rezoning to More Intense Districts: Not Applicable

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



7. Adequate Services and Infrastructure: Complies

The property is located in the Sulphur Springs Valley Electric Cooperative (SSVEC) service area, and the future residence will be served by private well (currently dry) and septic systems. The applicant proposes participating in the county's owner-builder program, which requires a minimum site area of four acres and zoning classification requiring a minimum of four acres. The county adopted the owner-builder amendment to encourage ingenuity by individual home owners in the interest of personal preference, allowing the use of alternate building materials and methods.



8. Traffic Circulation: Complies

The property has an existing driveway accessing Winchester Easement, an unimproved road not maintained by the county, and also abuts Old Fort Grant Road, a rural minor collector that is maintained by the county. Property access from Old Fort Grant Road will not be authorized (applicant does not propose new driveways).

9. Development Along Major Streets: Not Applicable

Property access is from Winchester Easement, an unimproved local road.

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 allowed principal dwellings which suggests an overall reduction in water consumption.

13. Public Input: Not Applicable

Applications to downzone property are not subject to Citizen Review requirements identified in the zoning regulations. Staff posted the property, mailed notices, and published a legal ad December 6-20, 2024.

14. Hazardous Materials: Not Applicable

The applicant proposes building a single-family residence. The use of hazardous materials is not proposed.

15. Planning Policies: Complies

Comprehensive Plan designations allow downzoning to RU-4. The county generally supports downzones to less intense zoning districts that reduce impacts on limited infrastructure or services or reduce residential densities.

IV. SUMMARY AND CONCLUSION

The applicant is requesting a downzone to develop the property for single family residential use per the county's owner builder program. The county continues to receive requests throughout the county to downzone properties to RU-4, and staff is supportive of such requests in areas absent adequate infrastructure. The county adopted the owner-builder amendment to encourage ingenuity by individual home owners in the interest of personal preference, allowing the use of alternate building materials and methods.



Factors in Favor of Approval

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

Factors Against Approval

None identified

V. RECOMMENDATIONS

Based on the factors in favor of approval, the Planning and Zoning Commission recommended approval of Docket RZ24-25 without conditions (7-0) during its meeting on January 8, 2025.

Based on the factors in favor of approval, Staff also recommends approval of Docket RZ24-25 without conditions, rezoning tax parcel 209-09-240A from R-36 (Residential District, one dwelling per 36,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres), the factors in favor of approval constituting the findings of fact.

Sample Motion

I move to approve Docket RZ24-25 without conditions, rezoning tax parcel 209-09-240A from R-36 (Residential District, one dwelling per 36,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres), the factors in favor of approval constituting the findings of fact.
