



## 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 RZ24-26 (Denham Road)  
**DATE:** February 25, 2025

### Docket RZ24-26 (Denham Road)

A request to rezone 40-acres on Denham Road near Douglas from R-36 (Residential District, one dwelling per 36,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres). The applicant filed a concurrent special use application for an impound storage yard.

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

Applicant: Pedro De Castro  
Location: Denham Road, ¼ mile East of Highway 191  
APN: 407-83-006  
Parcel Size: 40 acres  
Current Zoning: R-36  
Proposed Zoning: RU-4  
Growth Area: D – Rural Areas  
Plan Designation: Rural  
Existing Use: Undeveloped  
Proposed Use: Impound Storage Yard, Single Family Residential

### Surrounding Zoning and Land Uses:

North	R-36	Undeveloped
South	R-36	Undeveloped
East	R-36	Single Family Residential
West	R-36	Undeveloped

### II. PARCEL HISTORY

- Well and septic system (2024)
- No active code compliance actions

### III. NATURE OF REQUEST

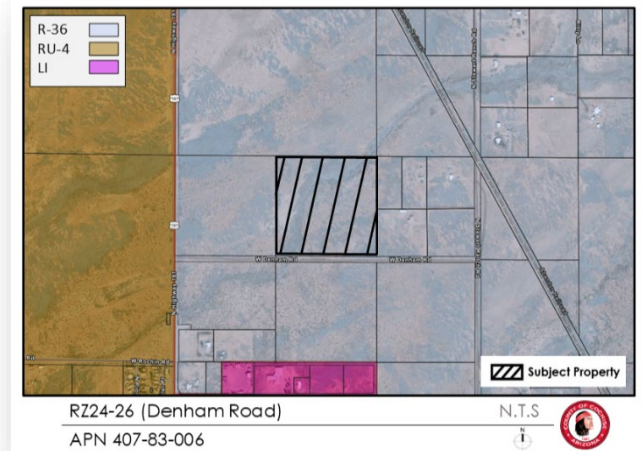
The applicant requests downzoning 40 acres from R-36 to RU-4 and has filed a concurrent special use application

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to allow an impound storage yard, proposing to split the parcel into four parcels of 10-acres. One parcel is proposed for storage yard use while the other three parcels are proposed for residential use by family members.

### **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 downzone to RU-4 is consistent with the Comprehensive Plan land use and growth area designations (Rural, Growth Area D).



### **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 provided a concept plan for future development, proposing to subdivide the 40-acre parcel into four 10-acre lots. Future development of the site will comply with applicable development standards identified in Section 2.15 of the zoning regulations (Rural Zoning Districts) including setbacks, height, lot coverage, landscaping, screening, parking and loading, vehicular access, and on-site circulation.

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

The property totals about 40-acres and is large enough to support commercial and residential use proposed by the applicant. Each proposed residential lot will be improved with a residence, well, and septic system while the proposed impound yard property will be improved with an own office, septic system, and water through its own well or through a well share agreement. If the downzone to RU-4 is approved, all future structures and improvements are subject to applicable development standards and will be validated through the permitting process.

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

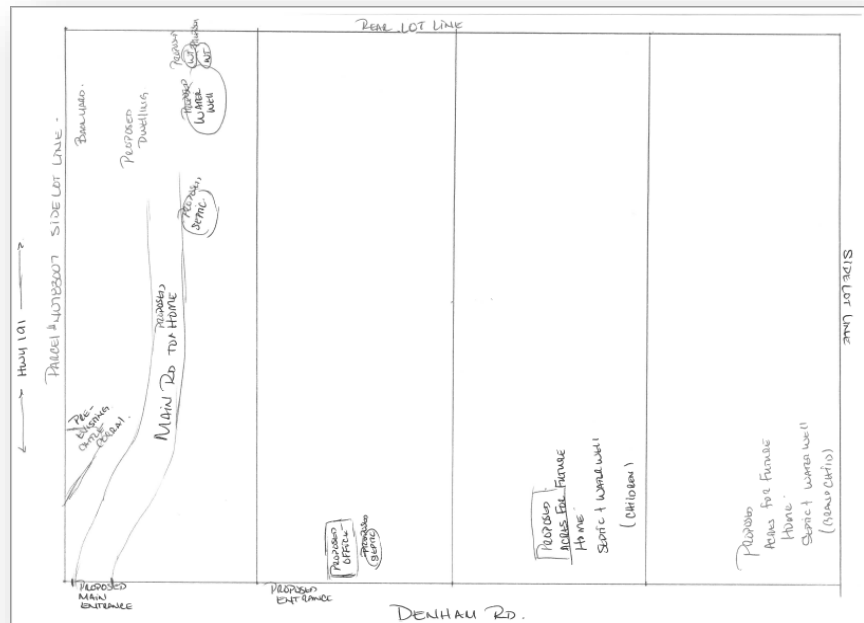
If approved, downzoning the property to RU-4 does not prevent surrounding properties from being developed in a manner consistent with their residential zoning classifications. The subject property is surrounded by parcels zoned R-36 with adjacent properties to the north, south, and west currently undeveloped. One adjacent parcel to the east has an existing single family residence built in 1995. There are a total of four residences within  $\frac{1}{4}$  mile of the property, and the nearest non-residential uses are located in Cochise Industrial Park  $\frac{1}{4}$  mile south.

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

Rezoning the property will not create any nonconforming uses since the property is undeveloped.

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

Rezoning the property to RU-4 is consistent with the existing low density residential development along Denham Road. Though 10 acres of the site are proposed for non-residential use, residential development along the east and west property lines would help reduce potentially negative off-site impacts by the proposed impound yard. Rural districts allow some non-residential land uses by right, and the zoning regulations anticipate these scenarios, instituting site developments standards to reduce these



incompatibilities. Development standards such as setbacks, height, lot coverage, parking, and screening serve to reduce the effects of nonresidential uses on adjacent residential uses. Compliance with these standards will be evaluated during permitting.

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

A rezone to a more intense zoning district is not proposed.

#### 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 property falls within Arizona Public Service (APS) and is approximately ¼ mile north of Pirtleville Fire District boundaries (the applicant identifies the City of Douglas as providing fire protection). The property will be served by private well and septic.

#### 8. Traffic Circulation: Complies

The zoning regulations requires consideration of the following criteria for rezoning applications:

- Any Rezoning shall be consistent with the preservation of the functions of surrounding streets as defined in the County Comprehensive Plan.
- If the Rezoning is to GB, LI, or HI, the development shall not result in the use of any residential street for through traffic to and from the proposed District.
- Consideration of future circulation needs in the surrounding area has been considered through right-of-way dedication and off-site improvements if warranted. Sufficient information has been provided to effectively evaluate this criterion, such as a Traffic Impact Analysis.

The property is located on Denham Road approximately  $\frac{1}{4}$  mile east of Highway 191. This road is an unimproved road not maintained by the county and utilized by three and potentially as many as eight single family residences along Denham and Stewart Ranch Roads. Since the road is not in county maintenance a right-of-way (ROW) permit will not be required for new driveways. Rezoning the property to RU-4 does not require a functional classification assignment of Denham Road, an increase in



right-of-way width is not required, and the need for off-site improvements, e.g., replacing the stop sign at Highway 191 with a traffic signal, are not required. The county will require a traffic statement at permitting to identify needed improvements to Denham Road if the special use is approved.

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

Access to the property is from Denham Road, an 80' wide unimproved right-of-way that functions as a local road that is not in county maintenance. The applicant currently maintains this road from Highway 191 to Stewart Ranch Road (3/4 of a mile).

**10. Infill Compatibility: Not Applicable**

This factor applies to rezoning requests to General Business (GB), Light Industry (LI), or Heavy Industry (HI) zoning districts in areas designated by the comprehensive plan as "Enterprise" or "Enterprise Redevelopment."

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

This factor applies to rezoning requests to business or industrial districts (NB, GB, LI, or HI) in areas characterized by unique topographical features such as unstable soils, steep slopes, washes, or floodplains. A significant portion of the property is located within *Flood Zone A* which traverses the property in a northeast to southwest direction. The width of the floodplain and required standoff distances may constrain future development, particularly on the property's western 20 acres.

**12. Water Conservation: Complies**

County-wide water conservation requirements and applicable regulations and policies identified in the zoning regulations and comprehensive plan apply to future non-residential development of the site. Section 2.51.170 requires water saving strategies and the use of drought tolerant vegetation along with the preservation of established, native vegetation though landscaping is typically not required in growth area D. The property is located within the Douglas Active Management Area (AMA), and wells are subject to county and State (Arizona Department of Water Resources) permitting requirements.

**13. Public Input: Complies**

Downzone requests are not subject to citizen review requirements identified in the zoning regulations. However, the applicant did send letters to property owners within 1,000' on 27 February 2024, without receiving any opposition. Staff posted the property, mailed notices to nearby property owners within 900', and published legal notice between 7-22 January 2025.

**14. Hazardous Materials: Not Applicable**

Uses involving hazardous materials are not proposed for the site. Uses allowed by right in RU-4 will be allowed, including single family residences, and a vehicle impound yard will be allowed with approval of the concurrent Special Use Authorization request. Impound yards are not subject to the same State permitting requirements as salvage yards or auto repair shops.

**15. Planning Policies: Complies**

Downzoning the property to RU-4 is consistent with Comprehensive Plan designations. The county generally supports downzones to less intense zoning districts that reduce residential density and impacts on limited infrastructure or serves.

**IV. SUMMARY AND CONCLUSION**

The applicant requests rezoning 40 undeveloped acres from R-36 to RU-4 for three residences on 30 acres and an impound yard on 10 acres. Per the applicant's concept plan, residential uses to the east will be buffered by 10-acre parcels also developed for residential use, potentially using the county's owner-builder program. The county continues to receive requests to downzone properties to RU-4, and staff is supportive of such requests in areas absent adequate infrastructure. Zoning ordinance site development standards and any conditions of approval imposed on the concurrent special use application for an impound storage yard will serve to limit impacts to nearby residential uses.

**Factors in Favor of Approval**

1. Complies with all 10 applicable factors used to evaluate rezoning requests.
2. Downzone reduces allowed residential density.
3. No opposition from nearby property owners.

**Factors Against Approval**

1. Significant portion of property is located within a flood zone, potentially constraining development.

**V. RECOMMENDATIONS**

Based on the factors in favor of approval, the Planning and Zoning Commission recommended approval of Docket RZ24-26 without conditions (7-0) during its meeting on February 12, 2025.

*\*The Planning and Zoning Commission conditionally approved a concurrent Special Use Authorization request for an impound storage yard (7-0) during the meeting.*

Based on the factors in favor of approval, Staff also recommends approval of Docket RZ24-26 without conditions, rezoning tax parcel 407-83-006 from R-36 (Residential District, one dwelling per 36,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres) to the Board of Supervisors without special conditions.

**Sample Motion**

I move to approve Docket RZ24-26 without conditions, rezoning tax parcel 407-83-006 from R-36 (Residential District, one dwelling per 36,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres), the factors of approval constituting the findings of fact.

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