

COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES
April 11, 2018
REGULAR MEETING at 4:00 p.m.

1. 4:00 P.M. - CALL TO ORDER

The regular meeting of the Cochise County Planning and Zoning Commission was called to order at 4:00 p.m. by Chairman Greene at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Chairman Greene admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. Chairman Greene explained the consequences of a potential tie vote and the process for approval and appeal.

- 2. ROLL CALL** Chairman Greene noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; seven Commissioners (Jim Martzke, Gary Brauchla, Patrick Greene, Kim DePew, Wayne Gregan, Tom Borer, Nathan Watkins) indicated their presence. Commissioner Miller joined at 4:17PM. Staff members present included; Daniel Coxworth, Development Services Director; Paul Esparza, Planning Manager; Elda Orduno, County Attorney's Office; Karen Lamberton, Transportation Planner; Peter Gardner, Planner II; and Robert Kirschmann, Planner II.

3. APPROVAL OF THE PREVIOUS MONTH'S MINUTES

Motion: Approve minutes of the March 14, 2018 meeting **Action:** Approve

Moved by: Mr. Martzke **Seconded by:** Mr. Gregan

Vote: Motion passed (**Summary:** Yes = 6, No = 0, Abstain 2)

Yes: Mr. Martzke, Ms. DePew, Mr. Greene, Mr. Gregan, and Mr. Brauchla, and Mr. Watkins

No: 0

Abstain: Ms. Miller and Mr. Borer

4. CALL TO THE PUBLIC – CALL TO THE PUBLIC

None

5. NEW BUSINESS

Item 1 - –Public Hearing – SU-18-07 (Majewski)

The Applicant requests a Special Use Authorization to expand a current four child day care business located in an existing home, which does not require County permits to a ten-child day care business, a use considered a Day Care Facility. Day Care Facilities located in Residential Zoning Districts require Special Use Authorization. The 4.47-acre site, APN 202-16-009, is located at 3900 N. Fort Grant Road in Willcox and is zoned R-36. The applicant is Kara Majewski.

Chairman Greene introduces the project and calls for Planning Directors Report. Mr. Gardner presented a PowerPoint presentation which is preserved in the file.

The only issue Staff has on the Docket is wear and tear of the driveway on Fort Grant Road. Under current conditions, the County is responsible for the maintenance. A strict reading of the regulations may require a 24-foot commercial driveway, like a Dollar General would warrant, however, the traffic does not justify this requirement. The Applicant has offered to place AB material adjacent to Fort Grant road to protect the edge. The daycare provides a service to the local community. Staff received four letters of support on the project.

Chairman Greene recognizes the arrival of Commissioner Miller

Motion: Table the item to the May 9, 2018 Planning and Zoning Commission meeting.

Moved by: Mr. Gregan **Seconded by:** Mr. Martzke

Vote: Motion passed (**Summary:** Yes = 5, No =3, Abstain =0)

Yes: Jim Martzke, Kim DePew, Patrick Greene, Wayne Gregan, Gary Brauchla, Nathan Watkins, Carmen Miller and Pat Edie

No: Tom Borer, Nathan Watkins, and Carmen Miller

Abstain: 0

Mr. Gardner requested and received clarification on the motion, that the Applicant may call into the meeting.

Item 2 - –Public Hearing – SU-18-06 (Green Desert Patient Center)

The Applicant requests a Special Use Authorization to establish a Medical Marijuana Cultivation and Infusion Facility southeast of Kansas Settlement, per Section 607.53 & 607.56 of the Zoning Regulations. The property is zoned RU-4 (Rural; one dwelling unit per 4 acres) and accommodates an existing agricultural facility including greenhouses, a warehouse, and accessory structures. The 143-acre site, parcel 305-43-056C, is located at 5655 E. Gaskill Road in Willcox, AZ.

Chairman Greene introduces the project and calls for the Planning Director's report.

Mr. Gardner presented a PowerPoint presentation which is preserved in the file. The site was previously used for growing agricultural products. Unlike those products, medical marijuana is not exempt. The Applicant is required to comply with State requirements. Staff has concerns in regard to odor and traffic. The odor is mitigated by the size of the parcel. Traffic is mitigated by the County chip sealing adjacent roads, and the applicant being conditioned to construct an apron once paving is completed.

Applicant Kurt Merschman introduced members of his team and provided background on their business operations

Chairman Greene opened and closed public hearing with no individuals wishing to speak.

Mr. Brauchla asked and received clarification that the Commission is only approving or disapproving the land use. Mr. Gardner confirmed.

Chairman Greene called for the Planning Directors recommendations and conditions. Mr. Gardner read the Conditions and presented Staff's recommendation.

Chairman Greene called for a motion

Motion: Approve the Docket with Conditions recommended by Staff

Moved by: Mr. Martzke **Seconded by:** Mr. Borer

Vote: Motion passed (**Summary:** Yes = 8, No =0, Abstain =0)

Yes: Jim Martzke, Gary Brauchla, Patrick Greene, Kim DePew, Wayne Gregan, Tom Borer, Nathan Watkins, Carmen Miller

No: 0

Abstain: 0

Item 3 –Public Hearing – Z-18-04 (Vicencio)

The Applicant is requesting a rezoning from RU-4 (Rural; one dwelling per 4 acres) to RU-2 (Rural; one dwelling per 2 acres). The request is to facilitate the creation of up to five lots. The subject parcel totals 10 acres. The subject parcel, APN 203-10-006C, is located on the northwest corner of West Red Rose Lane and South Taylor Road in Willcox. They are further described as being situated in Section 10 of Township 14 South, Range 24 East of the G&SRB&M, in Cochise County, Arizona. The Applicant Sylvia Vicencio.

Chairman Greene introduces project and calls for Planning Director's report

Mr. Kirschmann presented a PowerPoint presentation which is preserved in the file.

Mr. Kirschmann discussed the surrounding land uses and zoning designations.

Chairman Greene calls for applicant's statement.

Applicant Ms. Sylvia Vicencio stated that she is seeking to Rezone the property from RU-4 to RU-2 to split the property into lots for her three children.

Chairman Greene calls for Planning Commission discussion. There being no discussion, Chairman Greene calls for Planning Directors recommendation and conditions. Mr. Kirschmann read the Conditions and presented Staff's recommendation.

Chairman Greene calls for a motion

Motion: Forward to the Board with a recommendation of conditional Approval

Moved by: Mr. Gregan **Seconded by:** Mr. Borer

Vote: Motion passed (**Summary:** Yes = 8, No =0, Abstain =0)

Yes: Jim Martzke, Gary Brauchla, Patrick Greene, Kim DePew, Wayne Gregan, Tom Borer, Nathan Watkins, Carmen Miller

No: , 0

Abstain: 0

Item 4 -Public Hearing- SU-18-04 (Verdugo)

The Applicant requests Special Use Authorization to establish an event center and campground. An existing 1,400 square foot residence will be converted into an event/dining hall including a

commercial kitchen to accommodate weddings and similar events. One building will be converted to a portrait studio and another into an audio and video production room to support the onsite uses. Up to 30 primitive cabins/teepees and restroom/shower facilities will be provided in the future. The property is zoned RU-4 (Rural; one dwelling unit per 4 acres). Guest lodging (607.01) and Recreational Facilities (607.08) are allowed subject to the approval of this Special Use request. The 120 acres is on multiple parcels with development focused on 403-38-041 and 042. The site is located at 510 E Globo Lane north of Douglas.

Chairman Greene introduces the project and calls for Planning Director's report.

Mr. Kirschmann presented a PowerPoint presentation which is preserved in the file. Mr. Kirschmann showed aerial maps and photos of the site. The project has been conditioned to enter into a private maintenance agreement, reconfigure the driveway onto Lobo Lane in phase one and to provide a paved apron on Leslie Canyon Road in conjunction with the sixth campsite.

Mr. Gregan asked about the auxiliary parking. Mr. Kirschmann stated that the auxiliary parking areas are proposed to remain as dirt with the requested modification. It is staff's belief that there is enough paved parking that the auxiliary areas will not often be necessary. Mr. Gregan also asked about the letter provided by the Health Department. Mr. Kirschmann explained that a copy of letter was provided to the Applicant and he did have some concerns. He may be able to comment further.

Chairman Greene calls for applicant's statement.

Mr. David Verdugo explained that he and his wife purchased the property 18 months ago. They believe that the business will be great for the community. Once they build the profitable side of the business they want to help the children of the community by teaching farming and holding classes.

Chairman Green calls for public comments. There being no comments, the public hearing was closed.

Chairman Greene calls for Planning Commission discussion. There being no discussion, Chairman Greene calls for Planning Directors recommendation and conditions. Mr. Kirschmann read the Conditions and presented Staff's recommendation.

Chairman Greene calls for a motion.

Motion: Approve the Docket with Conditions and modifications recommended by Staff

Moved by: Mr. Martzke **Seconded by:** Mr. Gregan

Vote: Motion passed (**Summary:** Yes = 8, No =0, Abstain =0)

Yes: Jim Martzke, Gary Brauchla, Patrick Greene, Kim DePew, Wayne Gregan, Tom Borer, Nathan Watkins, Carmen Miller

No: , 0

Abstain: 0

Item 5 -Public Hearing- SU-18-05 (Campos)

The Applicant requests Special Use Authorization to establish a campground, yoga studio and related activities. The concept plan includes three tents and two earthbag domes (each less than

200 square feet), Restroom/shower building, a 2,500 square foot Yoga/meditation/retreat room, Art studio, chicken coop, greenhouse and a single-family home. Guest lodging (607.01), Personal/Professional Services (607.26) and Recreational Facilities (607.08) are allowed subject to the approval of this Special Use request. The 20-acre site is on parcel 104-84-028B on E Javelina Trail, west of Paloma Trail.

Chairman Greene introduces project and calls for Planning Director's report.

Mr. Kirschmann presented a PowerPoint presentation which is preserved in the file. The site currently has a permit for a single-family home and temporary recreation vehicle. Mr. Kirschmann showed aerial maps, photos and detailed the site plan including the various structures and setbacks. The presentation detailed each of the Special Use criteria used to evaluate the request. A map was presented showing the neighborhood feedback received.

Chairman Greene calls for applicant's statement. Ms. Julie Campos presented a PowerPoint presentation. The presentation highlighted Ms. Campos background, experience and scope of the project. She described the activities including permaculture, yoga and glamping. Ms. Campos then responded to some of the neighbor concerns including interruption of the natural beauty of the area, appropriateness of camping in rural areas, attraction of undesirables, concern of violence, traffic, road maintenance, and discussed financial benefits.

Chairman Greene opens the Public Hearing.

Ms. Socorro Paul stated that they have designated J.C. Mutchler speaker on behalf of the neighbors. She has lived in the area for a long time and believes that there are services for military personnel elsewhere.

Mr. Jack Mutchler, representing the neighbors within one mile of the project spoke in opposition to the Docket. He turned to the audience and requested all those in opposition to please stand. They feel the business will ruin the character of the neighborhood. The groups three major objections are: 1. Sheer number of people, 2. All the group supports the police and military and these services are needed but are not appropriate at this location. 3. The access road is primitive at best. The group has nothing against Ms. Campos and support her permaculture, off-grid living, and water recycling, but not her commercial enterprise.

Ms. Donna Pulling applauded the work of the County on the comprehensive plan. She states that the request complies with aspects of growth that have attracted all of us here. She believes the fear being demonstrated by the neighbors is not in accurate proportion to what she understands of the project. Ms. Pulling cited Section I, Rural Character of the Comprehensive Plan.

Ms. Faye Douglas stated her, and her husband owns 40 acres across from the project site. They have known Ms. Campos for 30 years. She is excited about the plan and supports the project.

Ms. Tamba Vertrees spoke in favor of the Docket.

Mr. Sam Moore spoke in opposition to the request, stating the majority of the people who spoke in favor do not live in the area. He supports what she is doing but not at this location.

Ms. Susan Avelli spoke in favor of the request, citing the bigger picture of helping people beyond just the immediate area.

Ms. Paula Sindelark spoke in favor of the Docket citing that what she is doing is from the heart and will increase property values.

Mr. Bobby Zavan spoke in favor of the Docket citing the need for these types of services in this area.

Ms. Grace Ison spoke in favor of the Docket citing the benefit of the proposed use.

Mr. James Bonilla spoke in favor of the Docket citing the positive impact to the environment and people suffering.

Ms. Jean Howe spoke in opposition to the request citing concerns over water usage and impacts to the San Pedro River.

Ms. Ivette Cunningham spoke in opposition to the Docket, citing that business is not appropriate in the area.

Mr. Dietmar Cunningham spoke in opposition to the Docket stating that the neighborhood does not want a business in the area.

Mr. William McNab spoke in opposition to the Docket stating concerns about having a business in the neighborhood and the possibility about it being sold to a KOA in the future.

Ms. Linda DeMarco spoke in opposition to the Docket citing concerns about additional traffic. The service is needed but not appropriate in this area.

Chairman Greene invited Ms. Campos up for rebuttal.

Ms. Campos stated that the neighborhood held a meeting last week and did not invite her. That eliminates the ability for cooperation. Ms. Campos stated that she is willing to limit the yoga classes to the weekends and workshops to once per quarter. The Applicant stressed the importance of working together to improve the road.

Chairman Greene closed the public hearing and called for questions of the applicant.

Mr. Gregan asked Ms. Campos about these types of services being offered in other areas. Ms. Campos replied that one is active, the others are for sale. Mr. Gregan asked why this piece of property? It was determined after talking to Faye Douglas and visiting the property. She then discussed the matter with the immediate neighbor and Mr. Gardner. Mr. Gregan suggested that she can split the parcel up and sell them off. Mr. Gregan also questioned whether there would be general camping. Ms. Campos, said no and explained that it was a misunderstanding.

Mr. Greene asked Ms. Campos about what the cost of compliance for the business will be. Ms. Campos that she plans to phase the development in over time.

Mr. Borer questioned the type of clientele would be anticipated. Ms. Campos responded people in their mid 20s-to retirement age. Typically, they are well educated, have jobs and come from

Tucson, Phoenix, Los Angeles and beyond. Mr. Borer followed with how many people could be supported in the tents. Generally, only 2 adults, and occasionally 2 small kids. The domes would only hold 2 adults. Mr. Borer questioned how many people would show up for a workshop. Ms. Campos said it would be 25 people maximum.

Mr. Greene calls for the Planning Directors recommendation with staff conditions.

Mr. Kirschmann states that Staff's recommendation is for denial. If the Commission wishes to approve the item, staff has prepared Conditions of Approval for consideration.

Chairman Greene calls for a motion. Mr. Martzke makes a motion in the affirmative and Mr. Borer seconds.

Chairmen Greene called Karen Lamberton to discuss the road issues.

Ms. Lamberton explained what vehicle trips are. She explained that that the parcel could be subdivided into residential lots and that the potential traffic would be equivalent to the proposed use. The trips would be intermittent and off peak. The Private Maintenance Agreement was explained for the benefit of the Commission and the audience.

Mr. Gregan commended Ms. Campos thoughts and plans, however he was not able to support the Docket because things do not always turn out as they are planned.

Chairman Greene stated that our Staff has been very pro-business, but we do not want to set up a formula for failure. Mr. Greene stated he has concerns about her being able to comply with County requirements.

Motion: Approve the Docket with Conditions and modifications recommended by Staff

Moved by: Mr. Martzke **Seconded by:** Mr. Borer

Vote: Motion failed (**Summary:** Yes = 4, No =4, Abstain =0)

Yes: Jim Martzke, Gary Brauchla, Tom Borer, Carmen Miller

No: Kim DePew, Patrick Greene, Wayne Gregan, Nathan Watkins

Abstain: 0

The vote was a tie, the Docket will automatically be heard next month.

Item 6 -Public Hearing- SU-93-08C (AFP)

The Applicant is requesting a Special Use Modification to expand parking and legitimize weekend music performances per Section 1716.05 of the Zoning Regulations. The applicant is Mike Rutherford representing the Arizona Folklore Preserve. The subject property, APN 105-46-001H, is located at 56 Folklore Trail off Ramsey Canyon Road.

Chairman Greene introduces project and calls for Planning Director's report.

Mr. Esparza presented a PowerPoint presentation which is preserved in the file. Mr. Esparza showed aerial maps, photos and detailed the site plan including the various structures. Parcel and use history was summarized. The applicant is requesting to legitimize the existing weekend music performances and parking. Mr. Esparza visited the site during a Saturday performance and

provided photos and insight on the parking. Fry Fire was included in the discussion and provided revised comments on the Docket.

Mr. Gregan asked about how the parking was determined to be appropriate. Mr. Esparza responded that he visited the site and compared it to the site plan. Mr. Gregan confirmed that there are no improvements proposed to the site.

Chairman Greene calls for applicant's statement.

Mr. Mike Rutherford explained the Folklore Preserve has been operating for 21 years. He was not involved in the previous applicant. Mr. Rutherford stated that floor has an occupancy of 55 and the mezzanine can accommodate an additional 8-10 more people. They are not requesting any changes only to legitimize the existing uses. Mr. Rutherford stated that an immediate resident was in the audience to speak in favor but had to leave. Ms. Rose Else did not speak, but Mr. Rutherford indicated that she supported the Docket.

Chairman Greene opened the Public hearing.

Ms. Sally Close spoke in opposition, citing history of the project, including denial based on previous Fry Fire Chief concerns about narrowness of road, and only one driveway. She stated nothing has changed on the site to overrule this opinion. Expresses concerns about more traffic, including "bikers". Ms. Close notes that Folklore Trail provides access to multiple parcels, causing ingress/egress issues. Cited July 1993 when Jim Vlahovich sent letter with "modest" compliance, noted no actual improvements to parking area. There is two-way traffic on a 14' bridge and cited an example of a visitor driving off bridge. In 25 years, there could have been better compliance. Arizona Folklore Preserve "knew they were going to get to do this".

Mr. John Messenger spoke about the progress as a two-edge sword. The Folklore Preserve is not asking for change, only change with relationship with neighbors. The Folklore Preserve is an asset to Cochise County. He stated that he has never seen the Folklore Preserve traffic as impediment to the roadway. He stated there was communication issues with staff changes on both sides.

Chairman Greene offered Mr. Rutherford a chance for rebuttable. Mr. Rutherford closed with a request to be allowed to continue the use as is.

Mr. Borer asked what happens if the request is denied. Mr. Esparza says violation continues, and Staff felt this was the remedy to the violation. Elda Orduno reminded that appeal to the Board of Supervisors is possible. Mr. Borer asked what the immediate repercussions are. Mr. Esparza stated that the violation would continue.

Chairman Greene asked if the complaint was in made in court. Mr. Esparza stated that this was a zoning complaint.

Ms. DePew asked if the split violated the special use. Mr. Esparza stated that in this case there was no impact created from the split.

Mr. Watkins asked Mr. Rutherford's if adding a driveway was possible. Mr. Rutherford explained using the map that it would not be possible. He also added that limiting them to 13 parking spaces will cause the Folklore Preserve to close due to insufficient revenue. Mr. Watkins

thanked him and stated he already knew answer. Mr. Rutherford explained the improvements they have done to the parking area with paving and gravel, and the area they left clear for drainage and safety. Mr. Rutherford states they have two 4,000-gallon water tanks onsite.

Ms. DePew asked if the Fry Fire had any access issues. Mr. Rutherford explained there were no issues when there was a nearby fire. Ms. DePew then asked why was there no adequate site plan when the building was built in 2001. Mr. Rutherford stated he does not know.

Chairman Greene calls for Planning Directors recommendation and conditions. Mr. Esparza read the Conditions and presented Staff's recommendation.

Chairman Greene calls for a motion. Mr. Martzke made the motion and Mr. Borer seconded.

Mr. Gregan expressed concerns about an incomplete packet, lack of Fry Fire and Transportation Memos. He expressed concerns about legitimizing what they are doing out there, after being denied by previous commissions. Mr. Gregan suggested the Commissioners vote against the Docket so that the Supervisors can make the decision.

Motion: Approve the Docket with Conditions and modifications recommended by Staff

Moved by: Mr. Martzke **Seconded by:** Mr. Borer

Vote: Motion passed (**Summary:** Yes = 6, No =2, Abstain =0)

Yes: Jim Martzke, Gary Brauchla, Patrick Greene, Tom Borer, Nathan Watkins, Carmen Miller

No: , Wayne Gregan, Kim Depew

Abstain: 0

6. PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.

Next P&Z Commission meeting

May 9, 2018

- a. SU-18-07 (Fort Grant Child Care) Expand an existing daycare from 4 children to 10
- b. Rezoning in Whetstone
- c. Shed Manufacturing in Palominas
- d. Medical Marijuana in Dragoon
- e. Permaculture activities outside Bisbee

Mr. Coxworth updated the Commission on Tim's Electric appeal to the Board. The Board upheld the Commission's approval.

Mr. Gardner updated the Commission that the Pig Farm Docket has been withdrawn.

7. CALL TO COMMISSIONERS ON RECENT MATTERS.

None

8. ADJOURNMENT

Chairman Greene adjourned meeting at 8PM