

COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES
May 09, 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, Carmen Miller, Gary Brauchla, Patrick Greene, Kim DePew, Wayne Gregan, Tom Borer, Pat Edie) indicated their presence. Staff members present included; Daniel Coxworth, Development Services Director; Elda Orduno, County Attorney's Office; Peter Gardner, Planner II; and Robert Kirschmann, Planner II.

3. APPROVAL OF THE PREVIOUS MONTH'S MINUTES

Motion: Approve minutes of the April 11, 2018 meeting with correction **Action:** Approve

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

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

Yes: Mr. Martzke, Mr. Borer, Ms. DePew, Ms. Miller, Mr. Greene, Mr. Gregan, Mr. Brauchla, and Ms. Edie

No: 0

Abstain: 0

4. CALL TO THE PUBLIC – CALL TO THE PUBLIC

None

5. ACTION

None

6. PUBLIC HEARING

Item 1 – Old Business –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 use 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 asks Mr. Majewski if he wishes to speak. Mr. Majewski stated that flooding and a bad accident helped to damage road. They are willing to place AB material to protect the road He also acknowledged that he has a year to complete the improvement.

Open and closed public hearing, with no speakers

Chair Green called for director's summary and recommendation.

Mr. Gardner presents recommendation and COA

Motion: Approve the Docket with the conditions and modification recommended by Staff

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

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

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

No:

Abstain: 0

Item 2 – Old Business –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 confirms with Staff that the Applicant has requested the item to be tabled until the June 13, 2018 Commission meeting. The Commission determined that due to number of residents in the audience that they would take public comment on the project.

Mr. William McNab requested and received confirmation that the Commission will not vote on the item tonight.

Ms. Linda DeMarco requested and received confirmation that they cannot speak on an agenda item and the call to public.

Mr. Peter Natwick spoke in opposition siting the Southern San Pedro Valley Area Plan.

Chairman Greene called for a motion

Motion: Table the Docket to the Commission meeting of June 13, 2018

Moved by: Mr. Martzke **Seconded by:** Ms. Edie

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

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

No: 0

Abstain: 0

Item 3 –Public Hearing – SU-18-10 (Baker)

The Applicant requests Special Use Authorization to establish art and permaculture facilities to include: classrooms, outdoor stage, covered outdoor kitchen, restrooms, offices, parking, greenhouses, gardens, and other related structures and activities. wood and metal working business (Home Occupation, HO 17-25) into larger structures such as sheds, cabins, garages, and similar structures. Educational Services (607.25) are allowed subject to the approval of this Special Use request. The 80-acre site is on parcel 101-10-001. The Applicants are Ashley Baker and Samantha Goerlich.

Chairman Greene requested and received confirmation that this item is requested to be continued until the July 11, 2018. The Commission allowed the public to speak on the project.

Ms. Donna Jarvis spoke in opposition to the request citing shallow water pipes, increased traffic and theft.

Ms. Billie Joan Power spoke in opposition siting concerns that her cattle would destroy the project or potentially get hurt. She requested the type of fencing material to be used.

Chairman Greene calls for a motion

Motion: Table the Docket to the Commission meeting of July 11, 2018.

Moved by: Ms. Edie **Seconded by:** Mr. Gregan

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

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

No: 0

Abstain: 0

Item 4- Public Hearing- SU-18-08 (Kropf)

The Applicant requests Special Use Authorization to expand a home based wood and metal working business (Home Occupation, HO 17-25) into larger structures such as sheds, cabins, garages, and similar structures. The concept plan identifies the existing 1,000 square foot concrete slab and 858 square foot workshop/shed used to construct the structures. Lumber and

other materials may be stored outside but will be screened from neighbor view with existing vegetation. Manufacturing, not to exceed 5,000 square feet (607.17) is allowed subject to the approval of this Special Use request. The 40.5 acre site is on parcel 104-80-024B, 11660 S. Rough Rider Road. The Elmer Kropf

Chairman Greene calls for the Planning Director's report. Mr. Kirschmann presented a PowerPoint presentation preserved in the file.

Chairman Greene requested the applicant address the Commission.

Mr. Elmer Kropf clarified that it is primarily his two sons working with him and occasionally his two daughters.

Mr. Ricky Veal, representing his wife and himself spoke in favor, citing the sparse population, no onsite customers, road maintenance.

Mr. Andrew Normando spoke in favor of the application citing the fact that he has an existing commercial boarding facility.

Mr. Robert Murphy spoke in favor of the application speaking highly of the Kropf family.

Mr. Greene invited Mr. Kropf the opportunity to address the Commission.

Mr. Kropf returned and thanked the supporters.

The Planning Commission had no discussion and requested the Planning Directors summary.

Motion: Recommend Approval of the Docket with the conditions and modifications as recommended by Staff.

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

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

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

No: 0

Abstain: 0

Item 5- Public Hearing- SU 19-09 (Finneran MMJ Cultivation)

Mr. Finnegan was not present, so the Commission amended the agenda to hear Reaves first.

Item 6-Public Hearing Z-18-05 (Reaves)

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 split of the parcel, leaving the existing home and existing church/storage building on separate parcels. The subject parcel is 4.57 acres (199,177 square feet) in size. The Applicant is Carla Reaves.

Mr. Gardner presents a PowerPoint presentation which is preserved in the file. Mr. Gardner showed maps and photos and went through the 12 criteria used to evaluate the request

Mr. Gregan asked and received confirmation from Mr. Gardner that there is nothing preventing the applicant from building a house on the lot with a detached structure.

Ms. Depew asked if the wall splits the property and leave 2 acres on both sides. Mr. Gardner states that it is possible to not use the wall as the property line.

Chairman Green calls for a five minute break.

Chairman Greene calls the meeting to order and requested the applicant to speak.

Ms. Carla Reaves spoke about the history of her acquiring the property and the reasons for selling.

Chairman Greene opens public hearing.

Ms. Linda Guinter spoke in opposition to the request, presenting an exhibit displayed on an easel. Ms. Guinter cited that the request is not the intent of Cochise Ranchos and she is concerned about setting a precedent.

Ms. Debbie Derosa spoke in opposition to the request citing incorrect MLS listings, setback, lot size.

Ms. Amber Jordan spoke in opposition to the request citing the applicant knew that site had a church and that she likes rural living.

Mr. James Derosa spoke in opposition citing that the wall and structures were not permitted and is concerned about precedent being set.

Ms. Katrina Jackson spoke in opposition citing the concern of a storage yard.

Ms. Yeleua Arevalo spoke in opposition to the request citing concern of having smaller lots.

Mr. Lee Grey spoke in opposition, citing spot zoning.

Ms. Carolyn Grey spoke in opposition citing concerns of future splits.

Mr. Charles Evertt spoke in opposition citing conversations with former Planning Director Mr. Jim Vlahovich and precedent that will be set.

Chairman Greene called the applicant for rebuttal.

Ms. Reeves thanked the audience for the information provided and stated that this lot was not part of the SR zoning.

Chairman Greene closed the public hearing.

Mr. Borer asked if they have tried to sell the property as is. Ms. Reaves answered that they tried to sell but without success.

Mr. Borer asked staff if a commercial business could go into the church since it is separately addressed. Mr. Gardner responded that Cochise County addresses structures and not land. Today indoor vet clinics are allowed to locate in the building as well as some other quasi commercial uses such as daycare. RU-4 and RU-2 permits the same uses.

Chairman Green states that we must follow law and requirements laid out.

Chairman Greene calls for Planning Directors recommendation and summary. Mr. Gardner states that Staff recommends conditional approval of the request.

Motion: Recommend Approval of the Docket with conditions and modifications as recommended by Staff to the Board.

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

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

Yes: Patrick Greene and Wayne Gregan

No: Jim Martzke, Kim DePew, Gary Brauchla, Carmen Miller, Pat Edie, and Tom Borer

Abstain: 0

Item 5- Public Hearing- SU 19-09 (Finneran MMJ Cultivation)

The Applicant requests a Special Use Authorization to approve a facility for the cultivation of medical marijuana. Medical Marijuana Uses require Special Use Authorization. The 8.04-acre site, APN 208-90-012F, is located at the northeast corner of N. Nino Place and Unnamed road 6288 in the Dragon area and is zoned RU-4. The applicant is Dennis Finneran.

Mr. Dennis Finneran was reached telephonically.

Mr. Green called for the Planning Directors report.

Mr. Gardner presented a PowerPoint presentation preserved in the file. Mr. Gardner presented maps, photos, and exhibits on the Docket. He explained what caregiver grower is and explains the State regulations.

Chairman Greene requested the applicant address the Commission. Mr. Finneran spoke about road maintenance and clearing only small portions of land at a time.

Chairman Greene opened and closed the public hearing.

Chairman Greene called for discussion.

Ms. Miller asked if the plants will be grown inside or outside. Mr. Gardner responded that there will be both indoor and outdoor. Ms. Miller expressed concern about lights of the greenhouses. Mr. Gardner stated that the project will be required to comply with the Lighting Code and the applicant confirmed compliance.

Ms. Depew asked for clarification on caretaker growing. Mr. Gardner responded this site will pool multiple small locations. Ms. Depew also asked about relation between Owner and applicant. Mr. Gardner stated the applicant is in negotiations to purchase the property.

Chairman Greene calls for Planning Directors recommendation and summary. Mr. Gardner states that Staff recommends conditional approval of the request.

Chairman Greene calls for motion

Motion: Approval of the Docket with conditions as recommended by Staff.

Moved by: Mr. Martzke **Seconded by:** Ms. Edie

Vote: Motion failed (**Summary:** Yes = 7, No =0, Abstain =1)

Yes: Patrick Greene, Wayne Gregan, Jim Martzke, Kim DePew, Carmen Miller, Pat Edie, and Tom Borer

No:

Abstain: Gary Brauchla

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

**Next P&Z Commission meeting
June 13, 2018**

- a. SU-18-11 (SBA Tower) a 150' cell tower on the corner of Monson Road and Ford Rules
- b. SU-18-05 (Campos) continued from the May 9, 2018 meeting
- c. SU-18-12 (Supplee) Request for an RV Park in Pearce

8. CALL TO COMMISSIONERS ON RECENT MATTERS.

None

9. ADJOURNMENT

Chairman Greene adjourned meeting at 6:47PM