

Cochise County Planning Commission

Cochise County Complex
Board of Supervisors' Hearing Room
1415 W. Melody Lane, Building G
Bisbee, Arizona 85603

**Regular Meeting
July 11, 2018**

4:00 p.m.

AGENDA

1. **CALL TO ORDER**
2. **ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).
3. **APPROVAL OF THE PREVIOUS MONTH'S MINUTES**
 1. Approve the minutes from the June 13, 2018 meeting.
4. **CALL TO THE PUBLIC** – Pursuant to A.R.S . § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on any issue within the Commission's jurisdiction. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.
5. **ACTION**
6. **PUBLIC HEARING**
 1. SU-18-10 (Baker)The Applicant requests Special Use Authorization to establish art and permaculture facilities.
 2. Z-18-06 (Lara) - A request to rezone 1.09 acres from SR-43 (Single Household Residential; one dwelling per 1-acre) to SR-22 (Single Household Residential; one dwelling per 22,000 square feet) in unincorporated Douglas.
7. **PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**
8. **CALL TO COMMISSIONERS ON RECENT MATTERS.**
9. **ADJOURNMENT**

P&Z Agenda Template

3. 1.

Meeting Date: 07/11/2018

Approve the minutes of the June 13, 2018 meeting

Submitted By: Peter Gardner, Community Development

Department: Community Development

Division: Development Services

Presentation: No A/V Presentation

NAME NA

of PRESENTER:

TITLE NA

of PRESENTER:

Agenda Item Text:

Approve the minutes from the June 13, 2018 meeting.

Background:

Attachments

Draft Minutes June 13, 2018

COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES
June 13, 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; eight 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; Paul Esparza, Planning Manager, Kristine Roberts, 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 May 9, 2018 meeting. **Action:** Approve

Moved by: Ms. Edie. **Seconded by:** Ms. Miller

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-18-05 (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 the project and calls for Planning Directors report. Mr. Kirschmann presented a PowerPoint presentation which is preserved in the file.

Mr. Gregan questioned if the majority of the names on the petition were from outside the area. Mr. Kirschmann stated that question may be more appropriate addresses to the neighbors, but there were names noted by Staff that were outside the area.

Ms. Julie Campos addressed the Commission providing her experience and educational background and why she chose the location. She addressed concerns expressed by Staff and the neighbors.

Chairman Greene opened public hearing.

Mr. Chuck Cunningham spoke in opposition to the plan citing the Southern San Pedro Valley Area Plan.

Mr. James Bonilla spoke in favor of the request and addressed concerns about permaculture

Ms. Evette Cunningham spoke in opposition to the request citing the zoning regulations and how this use is not appropriate.

Ms. Donna Pulling spoke in favor of the request citing Open Space, the General Plan, Southern San Pedro Valley Area Plan and compliance with evaluation criteria.

Mr. Peter Natwick spoke in opposition regarding vehicle trips per day and water usage.

Mr. Shane Scantlebury spoke in opposition to the project citing the way it would affect their quality of life.

Mr. Ron DiMarco spoke in opposition citing rural lifestyle and traffic concerns.

Ms. Linda DiMarco spoke in opposition to the request utilizing a PowerPoint presentation, stating that a commercial business is not appropriate in a residential area.

Ms. Jean Howe, speaking from a PowerPoint Presentation, spoke in opposition citing how this will impact water and the environment.

Ms. Sandra Jean spoke in opposition to the request citing the impacts to county living.

Mr. Jack Muchler, speaking from a PowerPoint presentation, spoke in opposition to the request citing medical experts and the medical value of Yoga on PTSD.

Ms. Campos returned to address the concerns raised by the speakers.

Chairman Greene closes the public hearing and calls Commission discussion.

Chairman Greene asks applicant if she will close for monsoon. Ms. Campos stated that she will be closed during the monsoon and confirmed the months may need to be modified.

Mr. Gregan asks about yoga class schedule and retreat. Ms. Campos responds to Mr. Gregan's questions stating that she was willing to compromise as stated at the last meeting.

Chairman Greene asks what the max occupancy is. Ms. Campos stated her average class is 10 people.

Chairman Greene called for director's summary and recommendation.

Mr. Kirschmann presents staff recommendation.

Motion: Approve the Docket with the conditions and modifications as recommended by Staff

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

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

No: Jim Martzke, Kim DePew, Patrick Greene, Wayne Gregan, Gary Brauchla, Carmen Miller, Pat Edie.

Yes: Tom Borer

Abstain: 0

The motion failed, and the Docket is not approved.

Item 2 –Public Hearing – SU-18-12 (Supplee)

The Applicant requests Special Use Authorization to legitimize an existing six space Recreational Vehicle Park. The Park specializes in the needs of equestrian travelers. The site includes a variety of amenities including corrals, pastures, other horse related features, pit barbecue, firepit, and Library/reading room. Section 607.02 permits Recreational Vehicle Parks that are designed to ensure that the park fits into the rural landscape. The 20.05-acre parcel, 114-01-097A is located at 3651 E. Doe Ranch Road outside of Pearce.

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

Chairman Greene asks question about dry camping. Mr. Kirschmann stated that one RV space will be dry, but no dry camping/tents are proposed. Chairman Greene asked how long the business has been in operation? Mr. Kirschmann responded that per Google images since at least 2013. He asked why no Special Use was obtained by the Applicant. Mr. Kirschmann responded that the Applicant did not believe he needed a Special Use.

Mr. Charles Supplee addressed the Commission. Stating he had nothing further to add except that he thought the RV Park was covered with the Commercial Stables.

Chair Greene opens and closes the public hearing with no public comments.

Ms. DePew asked if there will be dry camping tent camping onsite. Mr. Supplee stated there will be no dry tent camping.

Ms. Edie praised the applicant for providing accommodations for horses.

Chairman Greene calls for director's summary and recommendation.

Motion: Approve the Docket with conditions and modifications as recommended by staff.

Moved by: Mr. Edie **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: 0

Abstain: 0

Item 3 –Public Hearing – SU-18-11 (SBA Tower Moson)

The Applicant requests a Special Use Authorization to approve a 150-foot tall, self-supporting wireless communications tower. The 4.14-acre site, 107-62-005F, is located at the northeast corner of S. Moson Road & E. Ford Rules Road and is zoned RU-4. In a rural zoning district, towers greater than 30-feet in height require Special Use Authorization.

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

The applicant Alex Novak addressed the Commission, providing background information on the project.

Chairman Greene opens public hearing.

Mr. Harry Brown spoke in opposition, citing concerns about the tower blocking mountain views and impacting property values.

Mr. Novak responded to the speakers concerns.

Chairman Greene closes the public hearing.

Mr. Gregan request information about why this type of tower. Mr. Novak responded that the type of tower is dictated by the height.

Ms. Depew asks about additional easement adjacent to Ford Rules Road. The right-of way department would not allow that access so close.

Chair Greene called for director's summary and recommendation.

Motion: Approve the Docket with conditions and modifications as recommended by staff.

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

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

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

No: Carmen Miller

Abstain: 0

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

Reaves rezoning denial was upheld by the Board of Supervisors.

**Next P&Z Commission meeting
July 11, 2018**

8. CALL TO COMMISSIONERS ON RECENT MATTERS.

Mr. Gregan requested that the wireless connection time can last longer.

9. ADJOURNMENT

Chairman Greene adjourned meeting at 6:32PM

P&Z Agenda Template

6. 1.

Meeting Date: 07/11/2018

SU-18-10 (Baker)

Submitted By: Robert Kirschmann, Community Development

Department: Community Development

Division: Development Services

Presentation: No A/V Presentation

NAME Robert Kirschmann

of PRESENTER:

TITLE Planner II

of PRESENTER:

Agenda Item Text:

SU-18-10 (Baker)The Applicant requests Special Use Authorization to establish art and permaculture facilities.

Background:

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. Educational Services (607.25) are allowed subject to the approval of this Special Use request. The 80-acre site is on parcel 101-40-001.

The Applicant is requesting that this item be tabled to the August 8, 2018 Planning and Zoning Commission meeting to allow time to address Staff and neighbor concerns.

P&Z Agenda Template

6. 2.

Meeting Date: 07/11/2018

Z-18-06 (Lara)

Submitted By: Peter Gardner, Community Development

Department: Community Development

Division: Development Services

Presentation: No A/V Presentation

NAME Peter Gardner

of PRESENTER:

TITLE Planner II

of PRESENTER:

Agenda Item Text:

Z-18-06 (Lara) - A request to rezone 1.09 acres from SR-43 (Single Household Residential; one dwelling per 1-acre) to SR-22 (Single Household Residential; one dwelling per 22,000 square feet) in unincorporated Douglas.

Background:

Docket Z-18-06 (Lara) The Applicant is requesting a rezoning from SR-43 (Single Family Residential; one dwelling per one-acre) to SR-22 (Single Family Residential; one dwelling per 22,000 square feet). The request is to facilitate the split of the parcel, leaving the existing home on one parcel, and creating a second buildable lot. The subject parcel is one acres (43,560 square feet) in size. The subject parcel, APN 410-21-037B, is located at 2246 E. 23rd Street in unincorporated Douglas. The Applicant is Frank Lara.

Attachments

Staff Memo

Area Map

Public Comment



Cochise County
Community Development
 Planning, Zoning and Building Safety Division

Public Programs...Personal Service
 www.cochise.az.gov

MEMORANDUM

TO: Cochise County Planning and Zoning Commission
FROM: Peter Gardner, Planner II
FOR: Daniel Coxworth, AICP, Development Services Director
SUBJECT: Docket Z-18-06 (Lara)
DATE: July 2, 2018 for the July 11, 2018 Meeting

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from SR-43 (Single Family Residential; one dwelling per one-acre) to SR-22 (Single Family Residential; one dwelling per 22,000 square feet). The request is to facilitate the split of the parcel, leaving the existing home on one parcel, and creating a second buildable lot. The subject parcel is one acres (43,560 square feet) in size. The subject parcel, APN 410-21-037B, is located at 2246 E. 23rd Street in unincorporated Douglas. The Applicant is Frank Lara.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Size: 1.09 acres (47,401 square feet)
 Current Zoning: SR-43 (Single Household Residential; one dwelling per 1-acre)
 Proposed Zoning: SR-22 (Single Household Residential; one dwelling per 22,000 square feet)
 Growth Area: B – Community Growth Area
 Plan Designation: Neighborhood Conservation
 Area Plan: None
 Existing Uses: Single Family Residence
 Proposed Uses: Same with additional lot for additional dwelling

Zoning/Use of Surrounding Properties

Relation to Subject Parcel	Zoning District	Use of Property
North	SR-43	Vacant
South	County Maintained Road/SR-43	E. 23 rd Street/Single Family Homes
East	SR-43	Single Family Homes
West	SR-43(Legal Nonconforming lots 16,700 square feet)	Single Family Homes

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

II. PARCEL HISTORY

2004 – Permit issued for home.

III. NATURE OF REQUEST

The Applicant is requesting to amend the zoning of his 1.09-acre parcel in Douglas. The request is to divide the parcel, splitting the residence and creating an additional buildable lot to construct a home for his mother. While the zoning would be unique in the area, the lots immediately to the west are legal nonconforming, and are smaller than the minimum area of the proposed zoning district.



Location Map, showing the smaller lots to the west.



Aerial view of the site and neighboring properties

IV. ANALYSIS OF IMPACTS

Mandatory Compliance

Section 2208.03 of the Zoning Regulations requires that the amendment of Zoning District boundaries take place in compliance with the Comprehensive or Area Plan Designation assigned to the area in question. In this case, the subject property lies within a Category "B" Community Growth Area and is considered a "Neighborhood Conservation" area per the Comprehensive Plan. SR-22 zoning is permitted in the Category "B," "Neighborhood Conservation" areas, therefore this request to rezone to SR-22 complies with the Comprehensive Plan as detailed below.

Compliance with Rezoning Criteria

Section 2208.03 of the Zoning Regulations provides fifteen criteria used to evaluate rezoning requests. Eleven of the criteria are applicable to this request. All of the factors are met as submitted.

1. Provides an Adequate Land Use/Concept Plan: Complies

If approved, the applicant intends to divide the property into two lots, each with a minimum of 22,000 square feet. It will be the applicant's responsibility to ensure that the proposed division results in two compliant parcels of 22,000 square feet or more each.

2. Compliance with Applicable Site Development Standards: Complies

The proposal will create two sites fully capable of complying with all applicable site development standards.

3. Adjacent Districts Remain Capable of Development: Complies

The proposal would not affect the development prospects of any neighboring properties.

4. Limitation on Creation of Nonconforming Uses: Complies

This factor is focused on the creation of non-conforming lots or uses, for example a rezoning of a large area to a residential district in an area with existing commercial uses. No non-conforming uses will be created.

5. Compatibility with Existing Development: Complies

While the immediately surrounding area is zoned SR-43, the adjacent lots to the west are not only legal nonconforming at SR-43, they are smaller than the 22,000 square foot minimum requested by the applicant. If approved, the request will not alter the appearance or character of the neighborhood.

6. Rezoning to More Intense Districts: Complies

As noted above, the proposed zoning is in harmony with the lots to the west. Even if rezoned to SR-22 from SR-43, these adjacent lots would still be legal nonconforming, as they are 16,700 square feet. This request would not alter the character of the neighborhood by creating a single new buildable lot.

7. Adequate Services and Infrastructure: Complies

The site has existing electric, gas, water, and septic service. Sunnyside Fire provides fire service.



The vacant area to be split, with the home in the background.

8. Traffic Circulation Criteria: Complies

As the site is currently developed, and the only additional use would be a single additional home, with access onto E. 23rd Street, traffic generation is minimal and easily supported by the County Maintained roadway.



Looking west down E. 23rd Street.

9. Development Along Major Streets: Not Applicable

E. 23rd Street is a local side street.

10. Infill: Not Applicable

This factor applies to rezonings to General Business, Light Industry, and Heavy Industry districts.

11. Unique Topographic Features: Not Applicable

There are no unique features such as steep slopes, large washes, or unstable soils, which would warrant special consideration.

12. Water Conservation: Complies

Any future development will be required to comply with applicable water conservation regulations. The limited scope of the request, a single parcel, limits the impact.

13. Public Input: Complies

The Applicant completed a Citizen Review and received no response. Staff mailed notices to neighboring property owners within 1,000 ft. of the subject property and received one letter in support.

14. Hazardous Materials: Not Applicable

No hazardous materials are proposed.

15. Compliance with Comprehensive Plan: Complies

The subject property lies within a Category "B"– Community Growth Area and is considered an "Neighborhood Conservation" area per the Comprehensive Plan. This designation is intended to include protect existing residential neighborhoods from commercial or other high-intensity uses. The request to add a single additional lot complies with the Neighborhood Conservation designation.

V. PUBLIC COMMENT

Support has been received from one property owner.

VI. SUMMARY AND CONCLUSION

The request is for a rezoning, from SR-43 (Single Household Residential; one dwelling per 1-acre) to SR-22 (Single Household Residential; one dwelling per 22,000 square feet) on a 1.09-acre parcel located in Douglas. The Applicant wishes to change the zoning to facilitate dividing the property, and if approved, the request would permit the construction of a single additional dwelling.

Based on the unique nature of this property, adjacent to lots smaller than permitted in the requested zoning district, the request is compatible with the neighborhood development.

Factors in Favor of Approval

1. Allowing the request will not alter the character of the existing development;
2. The unique nature of this site precludes it being used as precedent for future potential requests;
3. The request SR-22 for the purpose described would not change minimum site development standards other than density requirements for any future construction;
4. Allowing the rezoning would permit the applicant to split the property in a legal manner;
5. Owners of one parcel has expressed written support.

Factors Against Approval

1. The request is technically a spot zoning, despite the adjacent non-conforming parcels.

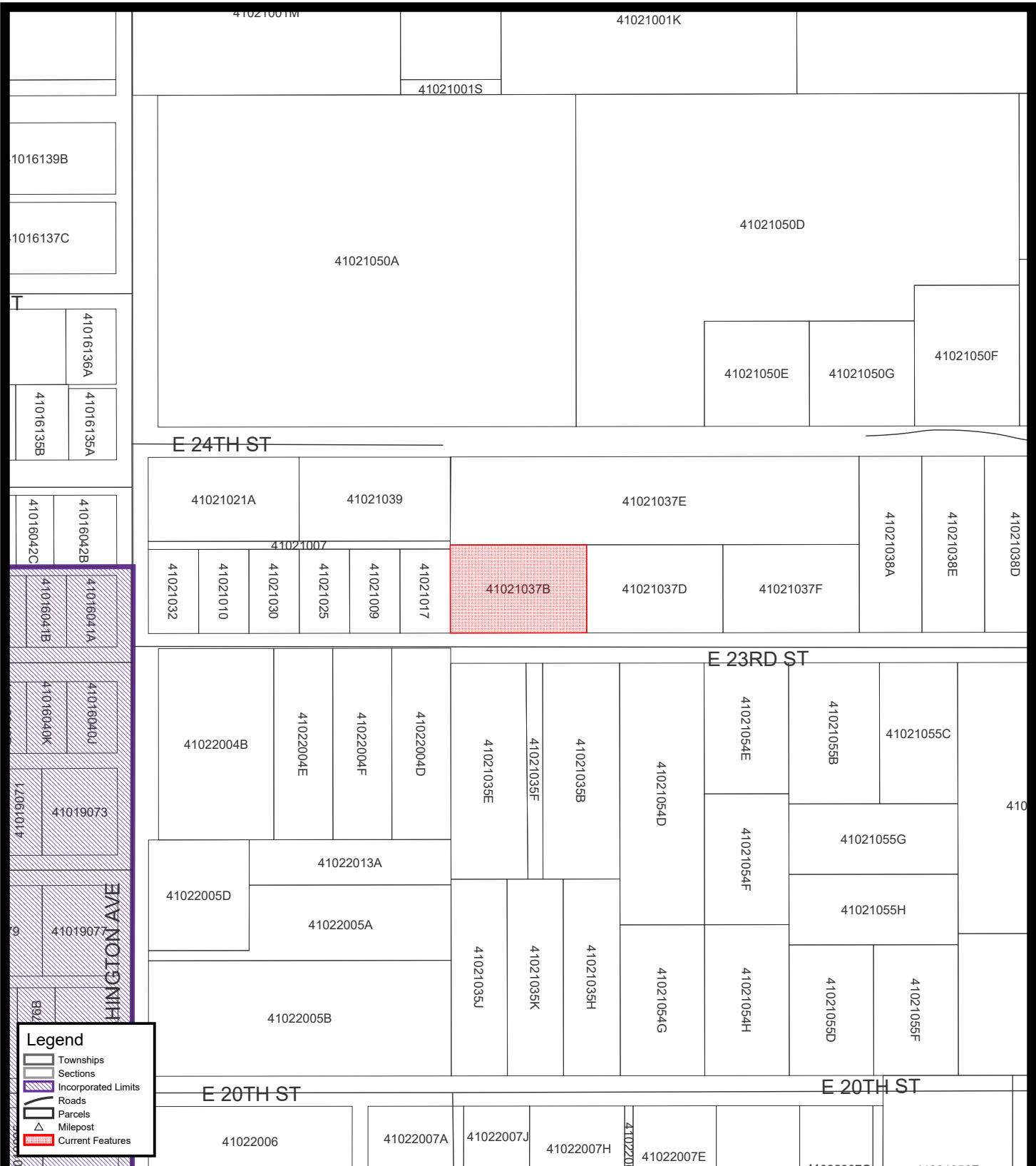
VII. RECOMMENDATION

Based on the factors in favor of approval, Staff recommends forwarding the request for a rezoning, from SR-43 (Single Household Residential; one dwelling per 1-acre) to SR-22 (Single Household Residential; one dwelling per 22,000 square feet) on a 1.09-acre parcel located at 2246 E. 23rd Street in unincorporated Douglas to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions and Modification:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations; and

VIII. ATTACHMENTS

- A. Application
- B. Location Map
- C. Public Comment



Z-18-06 (Lara)

This map is a product of the Cochise County GIS Information Technology Dept.

Rezoning Docket Z-18-06 (Lara)



YES, I SUPPORT THIS REQUEST

Please state your reasons:

We agree

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Sonia E. Wolk

SIGNATURE(S):

Sonia E. Wolk

YOUR TAX PARCEL NUMBER: 41016040 K (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than **5 PM on Friday, June 29, 2018** to be included in the staff report to the Commission, and by **Thursday, July 11, 2018** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send e-mail comments to Peter Gardner at pgardner@cochise.az.gov. Comments received after the April 27 deadline must be received prior to the public meeting date to be verbally noted at the meeting. You may also personally make a statement at the **public hearing on July 11, 2018 for the Planning and Zoning Commission and July 24, 2018 for the Board of Supervisors**. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Peter Gardner, Planner II
Cochise County Planning Department
1415 Melody Lane, Building E
Bisbee, AZ 85603