

Rezoning Docket Z-20-06 (Panesar)

YES, I SUPPORT THIS REQUEST

Please state your reasons:

*med mar business in Douglas*

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

*Jose Luis Durazo*

SIGNATURE(S):



YOUR TAX PARCEL NUMBER:

40734050

(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 Monday April 27, 2020** to be included in the staff report to the Commission, and by **5PM on Monday May 25, 2020** to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the deadline to be included in the packet you may still submit comments by 5PM the day before the meeting.

RETURN TO: Robert Kirschmann, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building F  
Bisbee, AZ 85603

## Kirschmann, Robert

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**Subject:** RE: Truck Stop Opposition - Docket Z-20-06 (Panesar)

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**From:** Kelly Kimbro <kkmkimbro@yahoo.com>  
**Sent:** Tuesday, May 5, 2020 8:16 PM  
**To:** Planning and Zoning <planningandzoning@cochise.az.gov>  
**Subject:** Truck Stop Opposition - Docket Z-20-06 (Panesar)

**CAUTION: EXTERNAL EMAIL\***

Dear Mr. Kirschmann,

**We apologize for the delay in making our first round of comments. Your letter to us was dated April 7th and we received the letter on May 1. (No fault of anyone's! With the current disruption caused by COVID-19, our mail to and from the Douglas PO is for whatever reason delayed!)**

**Opposition Comments from Kelly and Kerry Kimbro, 6403 Highway 191, PO Box 1195, Douglas, AZ 85608**

kkmkimbro@yahoo.com  
520-508-5208 (cell)  
520-364-3125 (residence)  
520-508-4058 (cell)

Regarding: Public Hearing Wednesday, May 13, 2020 - Docket Z-20-06 (Panesar)

**Stating opposition to rezoning of parcel APN 407-34-037**, located on the west side of Highway 191 between mile post 5 and 6. Further described as situated in Section 15 of township 23 South, Range 27 East of the **G&SRB&M (Manny, I do not know what these letters mean...does not look like any legal land description that I am used to!!)**, in Cochise County Arizona.

Applicant: Mr. Rupinder Panesar

**Opposition by:**

Kerry and Kelly Kimbro  
Affected Land Parcels: 407-34-051C, 407-34-006A, 407-34-006  
We do not support the rezoning request.

**Reasons and Considerations:**

--To our knowledge, there was not a public hearing, with the people/property landowners affected, held prior to the scheduled Planning and Zoning Commission meeting May 13. Does this meeting qualify as the first public hearing? We were under the impression that any developer had to make a presentation to the public prior to a Planning and Zoning Hearing.

--Hwy 191, between mile posts 5 and 6 is not constructed nor designed for heavy on/off traffic. (ie: turn lanes, traffic lights, passing and merging lanes to absorb the predicted traffic patterns associated with a facility like a truck stop). Is the State Highway Department on board financially with doing complete modifications of the existing Hwy 191 north, south and as an east frontage to the facility? This area is on a curve and for liability, would almost certainly necessitate a stop light.

--Has APS been approached as to the cost and modifications needed to establish a power supply to a project of this nature?

--It is our concern that the present sewer system paralleling Hwy 191 from the prison cannot be linked into by a facility like the proposed truck stop. What is the County's plan for the process of handling sewage from a development of this extent?

--The proposed area is a low lying piece of land that would appear to be partially in a flood plain. What is the County's plan for preventing contamination to surrounding landowners, farms, ranches and residents in the event of a fuel leak, hazardous material leakage or other environmental contamination associated with this kind of facility?

--WATER. Currently, the Prison and the neighboring orchard, just north of the proposed site, have influenced and affected our water well at 6403 Hwy 191 to the extent that we had to deepen our well so that we have enough water to survive on our property. Reality is that a truck stop facility would continue to drain the water table in the area and would become a hardship to local residents.

We would ask that in the event that the county decides to rezone this land parcel in question, there is a stipulation that Mr. Panesar be held financially responsible without residents having to seek legal action for any shortages of water in the neighborhood due to his excessive water use.

--Property Taxes: How will this rezoning affect the local property taxes? This is something that needs to be strongly considered.

For many, having a truck stop immediately across the road from their property and home is not an appealing option...there will be no privacy and there will be pollution and noise 24/7. We are strongly against this. It will drastically decrease the resale value of our home and property.

--It is a known fact that the City of Douglas wants to annex the area extending to the prison. Is this truck stop consideration a part of that and not being disclosed as such?

--It is of great concern that with the added traffic associated with a facility of this nature, the entrance into our property and home will be dangerously unsafe. Is the County prepared to make additional turn lanes for entering and exiting Hwy 191 at local resident driveways?

--Noting: in proximity of mile post 3 on Hwy 191, there are already several existing truck terminals in the industrial park, with traffic control modifications in existence. It would make more sense to locate a truck stop of this nature closer to an industrial area such as the one at mm 3 and closer to the ADOT station. In addition the zoning at mm 3 is currently zoned for Commercial.

Thank you for the opportunity to comment on this proposal. It is something we feel very strongly about and fear that all of the above concerns have not been addressed and the impact on the neighboring landowners has definitely not been considered.

Sincerely, Kelly Glenn-Kimbrow and Kerry Kimbro

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**NOTICE OF OPPOSITION – June 4, 2020**

**This document serves as a formal presentation of opposition to Docket Z-20-06 (Panesar), rezoning of parcel APN 407-34-037**

Opposed by Kerry and Kelly Kimbro, residents at [6403 Hwy 191](#), PO Box 1195, Douglas, AZ 85608, affecting parcels 407-34-051C, 407-34-006A, 407-34-006  
Contact numbers: 520-508-5208, 520-508-4058. [kkmkimbro@yahoo.com](mailto:kkmkimbro@yahoo.com)

Opposed by Manuel Flores, PO Box 4004, Douglas, AZ 85607, affecting parcel number 407-34-005. Contact: 520-870-3238. [manuel.e.flores@gmail.com](mailto:manuel.e.flores@gmail.com)

**Addressed to the attention of: Daniel Coxworth and Robert Kirschmann**

Cochise County Planning and Zoning

Our first concern is the "process" regarding the protocol that the County is required to follow on something like this. We appreciate having the meeting with you and we understand the current COVID-19 limitation on public meetings; so on that note, is it not customary to hold a widely advertised public meeting (in person) for input and discussion? If in fact it is, should this issue be tabled/postponed until social distancing rules are lifted and there can be a public meeting?

How is the County statutorily required to have meetings?

A grave concern is: If the COVID-19 crisis lending a method of pushing this through without following protocol?

We appreciate that you are extending an offer to participate in a teleconferencing meeting, however, as you know, there are dangers in that process of miss-interpretations, points of consideration not properly addressed and the external danger of hacking as stated by the FBI on ***Apr 8, 2020 - "FBI issues warning on teleconferencing hacking during coronavirus crisis ... These hackers could even be eavesdropping on your video calls. ... risk of having the hacker move into other shared applications on your computer exist...."***

This is in fact a very important issue and there is a lot to be considered and a lot at stake for those of us in the immediate area.

**Moving on to our list of concerns and points of opposition that we would like voiced or submitted in writing to the people that are making the final decisions:**

**ADOT/Hwy 191 traffic patterns**, additional designs will be needed to make the transitions near and around the complex safe for the residents in the area and for a facility of this capacity to conduct business involving motor vehicles, truck traffic and pedestrian traffic.

This has to include turn lanes, exit lanes and merge lanes, passing lanes and possible traffic light installation.

The entrance and exit configuration into our (Kimbrow) and Flores properties, near mm 5, on the east side of 191, will have to be revisited, revised and redesigned at the expense of ADOT, Cochise County or the state of Arizona.

**EPA and NEPA studies.** Have they been completed?

What will happen if there are fuel tank spills and other environmental concerns?

**Federal Funds:** are there federal funds involved in this process and this rezoning issue?

**WATER use** by the facility. We would ask for implemented limitations and restrictions placed on the facility to protect the water table in our wells and availability of water to our residences adjacent to the facility.

**SEWAGE disposal.** In the event that it is a SEPTIC system, that parcel is in close proximity to the creek/wash that runs from the direction of the prison toward, and drains into, White Water Draw. This is a critical concern for potential pollution in the event of a leach field or septic system failure.

**PROPERTY Taxes** in the vicinity of the complex. Will our current status or rates change on our property taxes? Will the Agriculture status remain on our property?

**TRASH control** surrounding the facility. What rules and regulations will be in place to control loose/blowing trash coming from the complex?

We would ask that mandatory regulations and rules be placed on the facility to maintain and control all loose trash and littering that may happen.

Cattle and horses eat plastic bags and other items of trash just out of curiosity, which results in a slow agonizing death of the animal. It is critical not only for aesthetics and legalities regarding littering, sanitation and disease prevention, but also for the health and safety of livestock in the surrounding community. In the event of the cause of death of an animal being determined as having eaten a piece of garbage blown over from the facility, there would be a legal claim for compensation involved.

**Compromising SCENIC and SAFETY;** safety concerns for residents directly across the Hwy from the complex, privacy issues, constant noise and light pollution.

We ask that the County mandate that the facility **erect a concrete/masonry wall/barricade**, tall enough to block noise, lights and 24 hour activity from residents across highway 191.

We ask that the County mandate that the lighting they use be directed toward their facility and not toward the east and our residences.

**On other matters concerning this issue:**

We ask that our elected officials, the County Supervisors, not grant authority to the County Administrator to act on their behalf on this issue and others connected to rezoning. This of course goes back to the process and protocol, which we are not completely in understanding of.

You can tell that we are thinking through this and sensing a danger. We are admitting to uncertainty, and not knowing all there is to know about the processes that will be involved and that leads to fear and caution on our side.

Thank you again for your time and response to this. This is one of those issues that once decisions are made, there is usually no going back and we want to make sure our opposition and concerns are heard.

Respectfully,

Kerry and Kelly Kimbro  
Manuel Flores