

**PROCEEDINGS OF THE COCHISE COUNTY PLANNING AND ZONING COMMISSION
REGULAR MEETING HELD ON
Wednesday, JULY 8, 2020**

A regular board meeting of the Cochise County Planning and Zoning Commission was held on Wednesday, JULY 8, 2020 at 4:00 p.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Wayne Gregan, Vice Chair; David Koch, Member; Kim DePew, Member; Patrick Greene, Chairman; Jim Martzke, Member; Gary Brauchla, Member

Absent: Nathan Watkins, Member; Pat Edie, Member

Staff Present: Nancy Welch, Member

Chairman Greene called the meeting to order at 4:00 p.m.

ANY ITEM ON THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING

CALL TO ORDER

ROLL CALL (Introduce Commission members and explain quorum and requirements for taking legal action).

APPROVAL OF THE PREVIOUS MONTH'S MINUTES

Vote: 6-0, Approved

Member Wayne Gregan abstained

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.

PUBLIC HEARING

1. Docket Z 20-07 (Carroll) The applicant seeks to rezone five parcels totaling 79 acres from R-36 (Residential; one dwelling per 36,000-square feet) to RU-4 (Rural; one dwelling per four-acres). The parcel was conditionally rezoned from RU-4 to TR-36 in 2006, to subdivide the property. The conditions have not been met, and the applicant seeks to revert the zoning to RU-4. 106-15-045B, 045C, 045D, 045E, 045F are located south of E. Pine Street in Whetstone. The Applicants are Lisa and Michael Carroll.

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

The applicant stated that she intends to convert the entire parcel into a family farm and does not intend to create another subdivision.

Motion by Member Jim Martzke, second by Member Gary Brauchla

Vote: 7-0 Approved

2. Docket SU-20-06 (Bolstering Buffalo) The Applicant requests Special Use Authorization to operate a recycling center in an existing 2,400 square foot building and outside storage on approximately 300 square feet.

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

Eric Holman, owner, 3323 Yosemite Court, Sierra Vista, AZ, explained the process of processing recyclables. He emphasized that the items are already cleaned by their customers before they collect them. He clarified that rolloffs were only used temporarily and all operations have moved inside. They have canceled purchase of a glass pulverizer and there will be no more sounds of glass crushing. He said that amount of traffic and noise would fall within the regulations of the zoning type. The baler they plan to purchase will operate at 62 decibels which he compared to the sounds of a restaurant at 60 decibels. He plans to insulate the doors to reduce noise levels. He said it's not possible to load and unload all materials indoors, and that the noise from loading and unloading will be comparable to a landscaping company. Rebekah Holman expressed empathy for the concerns of the community.

Gary Miller, 2207 N Yucca Drive, Huachuca City, own and operate 25 acres mobile home park. 80 feet from property line. He expressed concerns about the appropriateness of having a recycling center in the area.

Marita Barwell, Manager at Wellridge Estates, expressed concerns about the noise level of the recycling center. She has refunded money due to noise complaints from residents.

Mike Cline, 182 W Sierra Lane, Huachuca City, expressed concerns about noise, traffic, and potential for rodent infestations. He stated that there is no need for a recycling center at that location.

Lucinda Irwin, 156 W Oak St, expressed her concerns about the plant's locations. Chairman Greene disclosed that he had served at Lucinda Irwin's attorney in the past. Irwin stated that she does not object to his sitting in on this action item. She stated concerns that the recycling center would clash with the character of the neighborhood and have a detrimental effect on surrounding properties, and that the owners had been operating their business illegally since March. She stated that the owners were disposing of waste very close to her property. She stated that the business did not cease operations as they were instructed to do.

Aileen Swires, 257 W Sunset Road, stated that the recycling center is incompatible with the character of the neighborhood.

Jim Crawford, 2523 Canyon Crest St, Sierra Vista, stated his support for the recycling center. He said the County Planning staff had adequately addressed community concerns with their conditions.

Karen Cristiana, 4174 East Agave Court, Hereford, AZ, expressed her support for the recycling center. She stated that all recyclables are kept clean and sanitary without odor and rodent problems.

Member Wayne Gragan disclosed that Mrs. Cristiana is a former customer of his, and that she has stated that she has no issue with him voting on the issue.

Theresa Mueller, 40141 Calle Encima, Sierra Vista, 85650, a customer of the Holmans, expressed her support. She said the building was originally meant to be an auction house which would be the same use intensity as recycling center. She said the property is maintained very pristinely.

For the applicant's rebuttal, Eric Holman stated they had never dumped glass before 6:45. They chose Whetstone because it was one of the only pieces of property available that was affordable. He said that he had misunderstood the zoning of the plot and did not know a recycling center was not already permitted. The applicants did not cease operations because they did not receive a cease and desist order from the county and was under the impression that they were permitted to continue operations if had the process for the Special Use Permit was in process. He repeated that they do not process trash, just cleaned recyclables, and no cardboard.

Member David Koch asked Mr. Kirschmann if surrounding properties were zoned general business. Mr. Kirschmann confirmed. He also asked if a recycling center would be allowed in that zoning type, which Mr. Kirschmann confirmed subject to a special use permit.

Member Kim Depew asked for clarification about the terms of the applicant's lease, special use permit,

and the relationship between owners and the applicants.

Mr. Kirschmann stated that the owner had permitted the applicant to apply for a special use permit on his behalf and confirmed that applicant's request was well within the guidelines of Cochise County.

Member Kim Depew stated that the business site was extremely clean.

Mr. Kirschmann stated that it was standard practice to allow businesses to continue operating during code enforcement violations until the commission reaches a decision.

Chairman Greene asked the applicants to detail their plans to address noise complaints. The Applicants stated that the main source of noise had been rollouts which they no longer use. They had moved operations indoors and the building was insulated. Chairman Greene asked why they were not servicing people surrounding Whetstone. The applicants stated that they do not have enough manpower to expand their operations and will not hire additional employees until they acquire a special use permit.

Staff recommended approval based on conditions which are outlined in the presentation by Mr. Kirschmann.

Mr. Coxworth asked Mr. Kirschmann if the owner of the property in question was aware of all the condition. The applicant said that he does not believe so and asked for clarification on one of the conditions.

Mr. Kirschmann said that the owner is very likely to transfer Oak Street to the County's possession.

Mr. Coxworth recommended further discussion about the 5th condition which would require the applicants to unload trailers and materials inside their building.

The applicant stated that this condition would not reduce noise levels of unloading equipment.

Motion by Vice Chair Gragan for approval with conditions outlined in the presentation except for the fifth one requiring the applicants to load equipment inside their facility, second by Member Gary Brauchla.

Vote: 5-2 Approved

3. Docket R-20-04 (Permit Timeframes): An amendment to the Cochise County Zoning Regulations Article 17, Administration

Ms. McLachlan presented a PowerPoint presentation that is preserved in the file.

Paul Lister, 2340 E University Dr, Tempe, AZ, owner of property in Cochise County, stated his opposition to changing the time limits of building permits because the new time limits would be too restrictive and lead to creature costs and inefficiencies for owner-builders with limited finances.

Alan Henna, resident of 2593 Roseview Pl, San Diego, CA, 92105, owner of land within Cochise County about 12 miles north of Douglas. He echoed Mr. Lister's concerns, pointing out that the time limit would be reduced by 75%. He expressed concern that the new time limit would be too restrictive, leading to reduced land development in Cochise County for the present and future.

In her rebuttal, Ms. Mclachlan stated the new timeframe is based on averages from building surveys by the U.S. Census bureau and is standard throughout the entire state. She also emphasized the need for consistency between zoning and building codes.

Chairman Greene asked if the change would encourage opt-out, discourage it, or have a neutral effect. Ms. McLachlan stated the change is intended to be neutral.

A commission member asked about the cost of extensions and if there was a limit to the number of extensions. Ms. McLachlan said there is no limit to number of extensions if the applicant can prove a legitimate need for an extension, and the cost is \$50.

The staff recommended approval.

Motion by member Gary Brauchla, second by Vice Chair Wayne Gregan

Chairman Greene expressed his support for the docket.

Vote: 7-0, approved

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

The Planning Director gave a summary of upcoming items.

CALL TO COMMISSIONERS ON RECENT MATTERS.

ADJOURNMENT

Chairman Greene adjourned the meeting at 04:27pm.

APPROVED:

Patrick Greene, Chairman

ATTEST:

Daniel Coxworth, Development Services Director