

# DRAFT

## PROCEEDINGS OF THE COCHISE COUNTY PLANNING AND ZONING COMMISSION REGULAR MEETING HELD ON Wednesday, NOVEMBER 8, 2023

A regular board meeting of the Cochise County Planning and Zoning Commission was held on Wednesday, NOVEMBER 8, 2023 at 4:00 p.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Kim DePew, Chair; Robert Montgomery, Vice Chair; Jim Martzke, Member; Albert Young, Member; Randall Limbach, Member

Absent: Nathan Watkins, Member; Nancy Welch, Member; Gerry Gonzalez, Member; Larry Saunders, Member

Staff Present: Dan Coxworth, Development Services Director  
Christine McLachlan, Planning Division Manager  
Matthew Taylor, Planner II  
Paul Correa, Civil Deputy County Attorney

Attendees: Jacob Linde, Applicant (RZ 23-18)  
Phyllis Peachy, Applicant (RZ 23-20)  
Virginia Powell, Applicant (RZ 23-20)  
Joseph Lewis , Applicant SU 23-25  
Emilie Vardaman , Member of public opposed to SU 23-25  
Christopher Willheitte , Member of public in support of SU 23-25  
Genelle McCrary , Member of public opposed to SU 23-25  
Sarah Oliff , Member of public opposed to SU 23-25  
James Terry , Member of public opposed to SU 23-25  
Renee Reed , Member of public opposed to SU 23-25  
Brett Austin , Member of public in support of SU 23-25

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

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

### PLEDGE OF ALLEGIANCE

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

*Chair DePew requested moving the order of items on the agenda. She stated the applicant for item 5, SU 23-27 special use authorization for a solar energy power plant and Battery energy storage system, has requested that item be tabled until the December 13th meeting. Commissioner Limbaugh made a motion to move item 5 on the agenda and table until the December commission meeting. Commissioner Martzke seconded. Motion passed 5-0.*

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## CALL TO ORDER

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

**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.

## APPROVAL OF THE PREVIOUS MONTH'S MINUTES

Motion by Member Randall Limbach, Second by Member Jim Martzke Commissioner Young abstained due to absence at previous meeting

**Vote:** 4 - 0 Approved

## PUBLIC HEARING

1. An applicant-initiated Special Use Authorization request to construct and operate a proposed 235-MW Solar Energy Power Plant and 235-MW Battery Energy Storage System on 2,437 acres of rural zoned land.

*The chair elected to move the item first on the agenda. She also stated that the applicant made a request to table this item until the December 13, 2023 regular meeting of the Planning and Zoning Commission. Member Limbaugh made the motion to lay on the table, Member Martzke seconded the motion. The motion passed unanimously (5-0) to lay on the table.*

2. An applicant-initiated request to rezone APNs 408-12-004C and 408-12-004D from R-36 (Residential District, one dwelling per 36,000 SF) to GB (General Business District).

Motion by Member Jim Martzke, Second by Member Randall Limbach Case planner Taylor provided a presentation, which is preserved in the files. The applicant, Jacob Linde, was present to provide an applicant's statement. No one was present online or in person to support or oppose the request.

Commission discussion: Commissioner Young asked how close was the closest residence to the subject parcel. Case planner Taylor responded approximately 300 feet.

Staff recommended conditional approval. The commission voted unanimously (5-0) to provide a recommendation of conditional approval to the Board of Supervisors.

**Vote:** 5 - 0 Approved

3. An applicant-initiated request to rezone parcel 401-37-227A from R-36 (Residential, one dwelling per 36,000 SF) to RU-4 (Rural, one dwelling per 4-acres)

Motion by Member Randall Limbach, Second by Member Jim Martzke Case planner McLachlan provided a presentation, which is preserved in the files. The applicant, Justin Uhrig, was not present to provide an applicant's statement. No one was present online or in person to support or oppose the request.

Commission discussion: Vice Chair Montgomery asked how far away was the nearest rural zoning. Case planner MCLachlan responded that it was 325' feet, and one parcel, west of this request. Young asked how close was the closest residence to the subject parcel. Case planner Taylor responded approximately 300 feet. Chair DePew asked about the permit status for the RV. Commissioner Limbaugh asked about the neighbor objections.

Staff recommended approval. The commission voted unanimously (5-0) to provide a recommendation of approval to the Board of Supervisors.

**Vote:** 5 - 0 Approved

4. An applicant-initiated request to rezone APN 116-06-032A, previously described as APNs 116-06-028 through 116-06-032, from SR-22 (Single-Household Residential, one dwelling per 22,000 SF) to RU-4 (Rural, one dwelling per 4 acres).

Motion by Member Randall Limbach, Second by Vice Chair Robert Montgomery Case planner Taylor provided a presentation, which is preserved in the files. The applicant's daughter, Virginia Powell, was present to provide an applicant's statement. No one was present online or in person to support or oppose the request.

Staff recommended conditional approval. The commission voted unanimously (5-0) to provide a recommendation of conditional approval to the Board of Supervisors.

**Vote:** 5 - 0 Approved

5. An applicant-initiated Special Use Authorization request for a music pavilion at 1794 W. Newell Street, Naco AZ. The property is zoned R-36 (Residential District, one dwelling per 36,000 SF) and was previously used as a golf course, restaurant, and recreational vehicle park.

Case planner Taylor provided a presentation, which is preserved in the files. The applicant, Joseph Lewis, was present to provide an applicant's statement.

The following members of the public spoke regarding the item: Emilie Vardaman (opposition), Christopher Willheite (support), Genelle McCrary (opposition), Sarah Oliff (opposition), James Terry (opposition), Renee Reed (opposition), Brett Austin (support)

Member Limbaugh had concerns regarding site and parking security. Vice Chairman Montgomery also had security concerns about the proposal. He was also mentioned the neighbors' concerns regarding noise, lighting, and traffic. Member Young asked about the proposed hours of operation. Chair DePew questioned the applicant about the history of the site and previous rejections mentioned in the applicant's statement.

She asked whether he would consider adjusting the hours of operation and applying for individual temporary use permits. She also requested to see the written petition in support of the proposal.

Staff recommended conditional approval. The commission voted unanimously (0-5) to deny the request.

**Vote:** 0 - 5 Disapproved

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

**CALL TO COMMISSIONERS ON RECENT MATTERS.**

**ADJOURNMENT**

Chairman DePew adjourned the meeting at 5:25 P.M.

APPROVED:

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Kim DePew, Chairman

ATTEST:

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Daniel Coxworth, Development Services Director