

**PROCEEDINGS OF THE COCHISE COUNTY PLANNING AND ZONING COMMISSION
REGULAR MEETING HELD ON
Wednesday, JULY 10, 2024**

A regular board meeting of the Cochise County Planning and Zoning Commission was held on Wednesday, JULY 10, 2024 at 4:00 p.m. in the Board of Supervisors' Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

Present: Kim DePew, Chair; Nathan Watkins, Member; Jim Martzke, Member; Gerry Gonzalez, Member; Albert Young, Member; Randall Limbach, Member; Robert Montgomery, Vice Chair; Larry Saunders, Member

Absent: Pati Fickett, Member

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

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

ANY ITEM IN THIS AGENDA IS OPEN FOR DISCUSSION AND POSSIBLE ACTION. THE ORDER OR DELETION OF ANY ITEM IN THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

CALL TO ORDER

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

CALL TO THE PUBLIC – *This is the time for the public to comment. Members of the Commission may not discuss items that are not specifically identified on the agenda.*

Mr. Dan Baker, citizen, spoke during call to the public. He spoke in opposition to solar farming.

Approval of the June 2024 Meeting Minutes

Motion by Member Jim Martzke, Second by Member Gerry Gonzalez

Vote: 7 - 0 Approved

PUBLIC HEARING

1. Docket RZ24-09: An applicant-initiated request to rezone APN 105-40-004 from R-36 (Residential District, one dwelling per 36,000 square feet) to GB (General Business District). The property is located at the corner of S. Highway 92 and E. Keeling Road.

Motion by Member Jim Martzke, Second by Member Randall Limbach Case planner Taylor provided a staff presentation, which is preserved in the files. Applicant Robert Maloney, provided an applicant's statement following staff's presentation. No one present spoke in favor or against the request. The applicant waived his rebuttal.

Commission discussion: Member Watkins asked why the real estate sign in the photo stated the property was zoned commercial. Applicant Maloney, who is the realtor, stated the property owner thought it was zoned that way, once he learned it was not, he requested this rezoning. Member Watkins asked how long the property had been listed. Applicant Maloney responded about a year.

Staff recommended a recommendation of approval to the Board, with conditions related to perimeter landscape.

Vote: 8 - 0 Approved

2. Docket RZ24-10: An applicant-initiated request to rezone APN 101-41-001H from RU-4 (Rural District, one dwelling per 4 acres) to HI (Heavy Industry District). The property is located at the corner of S. Arizona Street and W. Swan Road.

Motion by Member Nathan Watkins, Second by Member Jim Martzke Case planner Taylor provided a staff presentation, which is preserved in the files. Applicant Marilyn Seibold, provided an applicant's statement, following staff's presentation. No one present spoke in favor or against the request. The applicant waived her rebuttal.

Commission Discussion: None.

Staff recommended a recommendation of approval to the Board, with no conditions.

Vote: 8 - 0 Approved

3. Docket RZ24-11: An applicant-initiated request to rezone APN 208-47-045H from R-18 (Residential District, one dwelling per 18,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres). The property is located at 1471 N. Redwing Place.

Motion by Member Jim Martzke, Second by Member Nathan Watkins Case planner Taylor provided a staff presentation, which is preserved in the files. Applicant Thomas Farnsworth, provided an applicant's statement, following staff's presentation. No one present spoke in favor or against the request. The applicant waived his rebuttal.

Commission discussion: None.

Staff recommended a recommendation of approval to the Board, with no conditions.

Vote: 8 - 0 Approved

4. Dockets RZ24-12 / CPA24-03: Applicant-initiated requests to change comprehensive plan designations from Neighborhood Conservation to Rural Residential and Growth Area C - Rural Community Areas to Growth Area D - Rural Areas and zoning district classification from R-18 (Residential District, one dwelling per 18,000 square feet) to RU-4 (Rural District, one dwelling per 4 acres). The subject property is located at 505 E. Firebrand Lane (APN 208-44-047M).

Motion by Member Randall Limbach, Second by Member Jim Martzke Case planner Taylor provided a staff presentation, which is preserved in the files. Applicant Landon Farnsworth, provided an applicant's statement, following staff's presentation. No one present spoke in favor or against the request. The applicant waived his rebuttal.

Commission discussion: Chair DePew asked whether this would require a right of way permit and she wondered if there was anything that could be used to protect Pomerene Road from damage where the property intersects the road. Case planner Taylor stated the buildings would require permits. Staff would evaluate road impacts at that time. Chair DePew asked how many times the property could be split before a subdivision permit was required.

Staff recommended a recommendation of approval for both dockets (rezoning and CPA) to the Board, with no conditions.

Vote: 8 - 0 Approved

5. Docket SU24-10: An applicant-initiated Special Use Authorization request from to allow an Accessory Living Quarter (ALQ) exceeding allowable square footage. County zoning regulations require special use approval for ALQs exceeding 50% of principal dwelling livable area of 1,000 square feet, whichever is less. The property is located at 3567 E. Doe Ranch Road (APN 114-01-098D) and is zoned RU-4 (Rural District, one dwelling per 4 acres).

Case planner Taylor provided a staff presentation, which is preserved in the files. Applicants Chong In Choi and Mr. Khan, provided an applicant's statement, following staff's presentation. Renee Kitko, a neighbor, spoke in opposition to the request. Mr. Campbell, another neighbor, also indicated he would be present online and would like to speak. He was not able to unmute himself during the public hearing. Vice Chair Montgomery requested that Case Planner Taylor read a portion of the written comments submitted by Mr. Campbell for the record. Mr. Taylor did so, and the letter from Mr. Campbell was displayed on the screen. The applicant provided a rebuttal to the opposition. The applicant stated the ALQ was for his niece and there would be an employee caretaker.

Commission discussion: Vice Chair Montgomery noted the property across from the subject parcel was also cleared and likely to generate dust. Vice Chair Montgomery asked about the material pile shown in the aerial. The applicant stated it was a soil hardener. Member Gonzalez noted the neighbors would need to work out the well water issue. Mr. Watkins asked the applicant about their EV charging business and asked whether the business would be onsite. The applicant clarified the property was intended to be residential. Mr. Limbach stated there is evidence of multiple zoning violations, and the neighbors did have some valid concerns. There seemed to be some conflicting information in the application. The applicant stated they were unaware of what permits were required. Mr. Coxworth asked the applicant whether they could provide permits for a septic tank or clearing permit. Chair DePew asked about the code enforcement hearing. Chair DePew stated she was reluctant to grant

an additional permit until the previous applied for permits were issued. Vice Chair Montgomery stated he felt there was confusion on all sides, but did not feel the applicant intended to skirt the system and felt they should move forward. Member Watkins recommended they get additional help. He asked why they cleared the entire 5 acres. Member Gonzalez suggested the applicant talk to their contractor. Member Watkins placed a motion to table the item to provide time for the applicants to resolve other issues. Member Gonzalez seconded. Vice Chair Montgomery stated this would just unnecessarily delay the matter. Member Watkins amended his motion to make it a condition that any open violations be cleared. Member Gonzalez seconded. Member Watkins removed his second motion. First delay motion failed.

Staff recommended conditional approval. Commission approved the conditional use, as recommended by staff via a roll call vote.

Vote: 8 - 0 Approved

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

CALL TO COMMISSIONERS ON RECENT MATTERS.

ADJOURNMENT

Chair DePew adjourned the meeting at 5:58 PM

APPROVED:

Kim DePew, Chair

ATTEST:

Daniel Coxworth, Development Services Director