

**COCHISE COUNTY PLANNING & ZONING COMMISSION
MINUTES**

Wednesday, February 13, 2013

WORK SESSION at 2:30 p.m.

Prior to the Regular Meeting, a Work Session was convened to review the proposed changes to the zoning regulations, and to address questions regarding a Building Code Advisory Board. In attendance were Chairman Lynch; Mr. Cervantes; Ms. Edie; Mr. Martzke; and Ms. Miller. Staff in attendance included Jim Vlahovich, Deputy County Administrator; Karen Riggs, Interim Community Development Director; Beverly Wilson, Deputy Director, Planning Division; Michael Turisk, Planning Manager; Keith Dennis, Planner II; Peter Gardner, Planner I; Dora Flores, Permit and Customer Service Coordinator; and Adam Ambrose, Civil Deputy County Attorney. Members of the Public present were Mike and Helene Jackson. District 1 Supervisor Pat Call was also present. The Work Session was continued until the regular Planning and Zoning Commission meeting on March 13, 2013.

REGULAR MEETING at 4:00 p.m.

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Chair Lynch at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room.

Mr. Lynch 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. He then explained the composition of the Commission, and indicated there was Tentative Plat Extension which was not a Public Hearing and two Special Use Authorizations on the Agenda. He explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Chair Lynch noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; seven Commissioners (Tim Cervantes, Pat Edie, Jim Lynch, Jim Martzke, Carmen Miller, Gary Brauchla, and Liza Weissler) indicated their presence. Staff members present: Beverly Wilson, Deputy Director; Keith Dennis, Planner II; Peter Gardner, Planner I; Adam Ambrose, Civil Deputy County Attorney; Karen Riggs, Interim Community Development Director; Michael Turisk, Planning Manager; Pat Hoefer, Planning Tech.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the January 9, 2013 meeting as presented.

Action: Approve **Moved by:** Mr. Martzke, **Seconded by:** Ms. Edie

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

Yes: Mr. Martzke, Ms. Miller, Chair Lynch, Ms. Edie, Ms. Weissler, Mr. Cervantes, Mr. Brauchla

No: 0

Abstain: 0

NEW BUSINESS

Item 1

NOT A PUBLIC HEARING, Docket S-05-05 (La Marquesa Conservation Subdivision Tentative Plat Extension): Mr. Patrick Kirk, Applicant, is requesting approval of an additional one-year time extension for the La Marquesa Subdivision Tentative Plat. The current Tentative Plat extension expired on February 5, 2013. The subdivision includes 103-lots on 317 acres located on the north side of Three Canyons Rd. in Hereford.

Chairman Lynch called for the Planning Director's report. Mr. Dennis presented the docket, explaining the background of the subdivision tentative plat including waivers granted in the past and explained the request for a one year extension and gave staff's recommendation of conditional approval with the maintenance of the existing conditions.

Mr. Lynch noted that he owned land approximately three miles from the proposed site and asked for concerns of conflict of interest. Mr. Ambrose stated that he saw no legal conflict of interest.

Mr. Lynch invited the Applicant to make a statement. Patrick Kirk explained his request, with the aid of a computer presentation. He noted the conditions that had prevented development to this point and explained the situation with sales in neighboring subdivisions. He further explained the situation required to proceed with the subdivision and then invited questions.

Mr. Lynch noted that this item had been considered last year and that little had changed, and then called for the Planning Director's summary and recommendation. Mr. Dennis recommended conditional approval, and Mr. Lynch called for a motion.

Motion: Motioned to approve with conditions the extension of the Tentative Plat

Action: Approve **Moved by:** Mr. Cervantes, **Seconded by:** Mr. Martzke

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

Yes: Mr. Martzke, Ms. Miller, Chair Lynch, Mr. Cervantes, Mr. Brauchla, Ms. Weissler and Ms. Edie.

Item 2

PUBLIC HEARING Docket SU-13-02 (Helfrich): Mr. Lee Helfrich, Applicant, seeks Special Use authorization for a Bed and Breakfast Establishment, to include equestrian-related Outdoor Recreation, per Sections 607.07 and 607.43 of the Zoning Regulations.

The Applicants plan to renovate three existing, detached, one-bedroom buildings for use as B&B rentals for up to six guests, and to use the existing corral and related structures for trail rides and hikes, with the Applicants providing guide services for guests. The subject parcel is located at 6200 N. Cascabel Road, north of Benson.

Chairman Lynch called for the Planning Director's presentation of the Docket. Mr. Dennis delivered the report, illustrating the facts of the case, utilizing photos, maps, and other visual aids. He explained the background of the case and the circumstances surrounding the Special Use authorization. Mr. Dennis explained the historic use of the property and the proposed use. He showed the structures on site and explained how the concept plan utilized them. He also listed the modifications requested by the Applicant, noting that the requested modifications were typical for Rural Special Use authorizations. He explained how the request met the various Special Use factors and then invited questions from the Commission. Ms. Weissler asked where BLM land was located and asked if the Applicant intended to revive any other of the historic uses, particularly shooting activities. Mr. Dennis showed the location of the BLM land and noted that the Applicant did not intend to revive the shooting activities. Ms. Weissler also asked about the requirement for a permit from BLM regarding using BLM land for commercial use. Mr. Dennis explained that a standard condition was attached to the Special Use requiring that any other permits such as these much be obtained. Mr. Lynch asked for clarification regarding the easement issue on Cascabel Road, which Mr. Dennis provided explaining the Right of Way issues involved.

Mr. Lynch then invited the Applicant to make a statement. Mr. Helfrich explained his proposal and provided clarification regarding Ms. Weissler's questions. He also corrected a minor discrepancy related to the size of one of the structures in the report and expounded on the history of the property. Mr. Helfrich explained that this was to be a quiet site and detailed his efforts with BLM. He then invited questions from the Commission. Ms. Weissler asked Mr. Helfrich if he also intended to be open for day use. Mr. Helfrich replied in the affirmative.

Mr. Lynch opened the Public Hearing. There being no one interested in speaking he closed the Public Hearing and invited Commission discussion. There being none he asked for the Planning Director's summary and recommendation, which Mr. Dennis provided, along with the recommended conditions. Mr. Lynch then called for a motion. Mr. Martzke moved to Approve the Docket with Conditions recommended by Staff. The motion was seconded by Mr. Brauchla. There being no further discussion Mr. Lynch called for a vote and the motion passed unanimously. Mr. Helfrich then noted that the shooting range discussed was actually at the adjoining ranch.

Motion: Motioned to approve with conditions the Special Use authorization for A Bed and Breakfast Establishment to include an Outdoor Recreation component

Action: Approve **Moved by:** Mr. Martzke, **Seconded by:** Mr. Brauchla

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

Yes: Mr. Martzke, Ms. Miller, Chair Lynch, Mr. Cervantes, Mr. Brauchla, Ms. Weissler and Ms. Edie.

Item 3

PUBLIC HEARING Docket SU-13-03 (Verizon): Mr. Ryan Rawson of In Command Communications, on behalf of Verizon Corporation, Applicant, seeks Special Use authorization for a Wireless Communication Tower exceeding 30-feet in height, per Section 607.38 of the Zoning Regulations. The proposed tower would be placed atop Beacon Hill northeast of Douglas. The Applicant intends to replace the existing 40.6-foot wireless tower with a 50-foot self-supported tower. The subject parcel is located at 8377 N. Dangerous Road.

Chairman Lynch called for the Planning Director's presentation of the Docket. Mr. Dennis delivered the report, illustrating the facts of the case, utilizing photos, maps, and other visual aids. He explained the background of the case and the circumstances surrounding the Special Use authorization. Mr. Dennis explained that this tower would replace an existing shorter tower that would then be dismantled and removed. He also explained the issues regarding the site and noted that this installation would improve communication services for the County. Mr. Dennis also explained the modifications requested by the Applicant and provided justification to support the requests. He closed by listing the factors in favor of approval and those against approval and invited questions from the Commission. Ms. Weissler asked about aerial access to the site. Mr. Lynch asked about fencing and anticlimb devices and how they related to the current system. Mr. Dennis responded that the current towers did not have fencing or anticlimb devices installed.

Mr. Lynch then invited the Applicant to make a statement. Ryan Rawson spoke on behalf of the Applicant and expounded on the points Mr. Dennis raised. He then invited questions. There being none Mr. Lynch opened the Public Hearing. There being no one interested in speaking he closed the Public Hearing. After there being no further discussion Mr. Lynch asked for Staff summation and recommendation. Mr. Dennis noted that Staff recommended approval. There being no further questions Mr. Lynch called for a motion. Mr. Martzke moved to conditionally Approve the Docket, and Mr. Cervantes seconded. With no further discussion Mr. Lynch called for a vote and the motion passed unanimously.

Motion: Motioned to approve with conditions the Special Use authorization for a Wireless Communication Tower

Action: Approve **Moved by:** Mr. Martzke, **Seconded by:** Mr. Cervantes

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

Yes: Mr. Martzke, Ms. Miller, Chair Lynch, Mr. Cervantes, Ms. Weissler, Mr. Brauchla, and Ms. Edie.

PLANNING DIRECTOR'S REPORT

Chairman Lynch then called for the Planning Director's report. Deputy Director Beverly Wilson reported that there was one Rezoning docket for the next month. She also noted that Staff was requesting a Work Session to continue review of the proposed Zoning Regulation update after the Regular Meeting.

CALL TO THE PUBLIC

Chair Lynch reminded the Public and Staff about the laws pertaining to "Call to the Public" and then opened the "Call to the Public." Jack Cook spoke about various matters. Chair Lynch closed the "Call to the Public."

CALL TO COMMISSIONERS

Mr. Lynch requested that Staff review maps and place North at the top for clarity.

ADJOURNMENT

Mr. Martzke moved to adjourn, Ms. Weissler seconded, and the meeting was adjourned at 5:55 p.m.