

**COCHISE COUNTY PLANNING & ZONING COMMISSION
FINAL MINUTES
May 14, 2014
REGULAR MEETING at 4:00 p.m.**

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

Chair Weissler 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. She explained the time allotted to speakers when at the podium. She then explained the composition of the Commission, and indicated there were two Rezoning Dockets and one Special Use docket on the agenda. She explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Ms. Weissler noted the presence of a quorum and the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; seven Commissioners (Tim Cervantes, Jim Lynch, Pat Edie, Nathan Watkins, Carmen Miller, Joe Garcia, and Liza Weissler) indicated their presence. Staff members present included Beverly Wilson, Planning Director; Adam Ambrose, Chief Civil Deputy County Attorney, Michael Turisk, Planning Manager, and Peter Gardner, Planner I.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the April 9, 2014 meeting. **Action:** Approve. **Moved by:** Mr. Lynch **Seconded by:** Mr. Garcia

Vote: Motion passed (**Summary:** Yes = 5, No = 0, Abstain = 2)

Yes: Mr. Lynch, Mr. Cervantes, Ms. Miller, Ms. Edie, And Mr. Garcia **No:** 0 **Abstain:** Mr. Watkins and Ms. Weissler

CALL TO THE PUBLIC:

Mr. Jack Cook of Bisbee spoke of various matters.

NEW BUSINESS

Items 1 & 2

PUBLIC HEARING

Docket Z-14-03 (Phillips): The Applicant requests to rezone two adjoining Parcels from RU-2 to RU-4 to facilitate construction under the County's Owner-Builder Opt-Out program. The property is located in the Desert Sky subdivision east of McNeal, on N. Tequila Sunrise Road. The Applicant is Leah Phillips.

Docket Z-14-04 (Dorofey): The Applicant requests to rezone a Parcel from RU-2 to RU-4 to facilitate construction under the County’s Owner-Builder Opt-Out program. The property, an unaddressed Parcel in the Desert Sky subdivision east of McNeal, is along N. EE Ranch Road. The Applicant is Ian Dorofey.

Chair Weissler called for the Planning Director’s report noting that the two dockets were being presented together at Staff’s request. Planner I Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. He explained the support and opposition from neighbors. Mr. Gardner also explained Staff’s analysis of the requests. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Ms. Weissler asked if the Applicant wished to make a statement.

Mr. George Wells spoke on behalf of the Applicant, explaining that the property owners desired to “become legal”.

Mr. Dorofey declined to speak.

Ms. Weissler then opened the Public Hearing.

There being no speakers, and the Applicants not needing to rebut, Ms. Weissler closed the Public Hearing and invited discussion. Ms. Weissler expressed doubt that the Applicants were unaware that permits were required. There being no further discussion, Ms. Weissler asked for Staff’s recommendation. Mr. Gardner recommended forwarding the dockets to the Board with a recommendation of Conditional Approval. Ms. Weissler called for a motion. Mr. Lynch made a motion for forwarding both dockets to the Board of Supervisors with a recommendation of Conditional Approval, with the Conditions recommended by Staff. Ms. Edie seconded the motion and Ms. Weissler asked for discussion. Mr. Lynch stated that while the Commission received many ex post facto requests, but he had no alternative to forcing Applicants to remove structures. Ms. Weissler stated she had no desire to remove structures, but expressed incredulity that anyone would not know that permits would be required to construct a home. Ms. Weissler then called for a vote. The motion passed 6-1, with Ms. Weissler opposed.

Motion: Motioned to forward both dockets to the Board of Supervisors with a recommendation of Conditional Approval, with the Conditions recommended by Staff. **Action:** Forward with recommendation of Conditional Approval **Moved by:** Mr. Lynch **Seconded by:** Ms. Edie

Vote: Motion passed (**Summary:** Yes = 6, No = 1, Abstain = 0)

Yes: Mr. Lynch, Mr. Cervantes, Mr. Watkins, Ms. Edie, Mr. Garcia, and Ms. Miller

No: Ms. Weissler

Abstain: 0

Item 3

PUBLIC HEARING

Docket SU-14-08 (Ransom): The Applicant requests a Special Use authorization for an Accessory Living Quarter (ALQ). The proposal is to remodel and expand an existing accessory structure into a Guest House of approximately 375-square feet. Pursuant to Section 1717 of the Cochise County Zoning Regulations, a notice was sent to all property owners within 300-feet of the subject property. As a written objection was received within 15-days, the request must proceed as a Special Use. The subject parcel is located at 10940 S. Dos Cahuamas Road, in Hereford. The Applicant is Sara Ransom.

Chair Weissler called for the Planning Director's report. Planner I Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. He explained the support and opposition from neighbors. Mr. Gardner also explained Staff's analysis of the request. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Ms. Weissler invited the Applicant to make a statement.

Ms. Sara Ransom, of Glendale, identified herself as the property owner and explained her intent for the property.

Ms. Weissler then opened the Public Hearing.

There being no one interested in speaking and no need for the Applicant to rebut, Ms. Weissler closed the Public Hearing. Ms. Weissler then asked for discussion from the Commission. There being none, Ms. Weissler then called for the Planning Director's summary and recommendation. Mr. Gardner recommended Conditional Approval and explained the Conditions recommended by Staff. Ms. Weissler called for a motion. Mr. Lynch made a motion for Approval of the Special Use with Conditions given by Staff. Mr. Watkins seconded the motion and Ms. Weissler asked for discussion. Mr. Lynch noted the technical objections from the neighbor that had driven the Special Use hearing, and stated that he was comfortable with the Building Permit process addressing all such details. Ms. Weissler then called for a vote. The motion passed 7-0.

Motion: Motioned to grant the Special Use with the Conditions as recommended by Staff.

Action: Approve with Conditions **Moved by:** Mr. Lynch **Seconded by:** Mr. Watkins

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

Yes: Mr. Lynch, Mr. Cervantes, Mr. Garcia, Ms. Edie, Ms. Miller, Mr. Watkins and Ms. Weissler

No: 0

Abstain: 0

Item 3

PLANNING DIRECTOR'S REPORT:

Planning Director, Beverly Wilson offered the Director's Report, informing the Commission that there would be one Subdivision Tentative Plat Extension, one Rezoning, three Special Use

dockets, and a regulation docket regarding the Light Pollution Code for the June meeting. She also detailed the adoption of proposed changes to the Zoning Regulations by the Board as previously forwarded by the Commission.

CALL TO COMMISSIONERS ON RECENT MATTERS:

Mr. Lynch stated that he had, through Staff, provided technical information to the Commission to help understanding of the proposed Light Pollution Code. Ms. Weissler suggested making the information available as part of the packet.

ADJOURNMENT – Chair Weissler called for a motion to adjourn: Ms. Edie moved, Mr. Garcia seconded and the meeting was adjourned at 4:31 p.m.