

**COCHISE COUNTY PLANNING & ZONING COMMISSION
MINUTES**

Wednesday, March 10, 2010

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

ROLLCALL

Chair Basnar noted the presence of a quorum. He then introduced the Commissioners to the public. Chair Basnar then explained to the audience the procedures for considering a docket.

Roll Call.

Present: Jim Martzke, Duane Brofer, Lee Basnar, John Wendle, Ron Bemis, Gary Brauchla.

Absent/Excused: Rusty Harguess, Pat Edie, Cruz Silva.

APPROVAL OF THE MINUTES

Motion: Susana Montana mentioned Mr. Silva was absent from the January 2010 meeting, **Action:** Approve correction, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, John Wendle, Ron Bemis, Gary Brauchla.

Absent: Cruz Silva.

Motion: Minutes of January meeting, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Vote: Motion passed (**summary:** Yes = 5, No = 0, Abstain = 1).

Yes: Jim Martzke, Duane Brofer, John Wendle, Ron Bemis, Gary Brauchla.

Abstain: Lee Basnar.

Absent: Cruz Silva. (Mr. Silva arrived at 4:25 p.m.)

CALL TO THE PUBLIC

Chair Basnar opened the meeting to the public, being there was no one who wished to speak; Chair Basnar closed the "Call to the Public"

Item 1

Study Session, Docket R-09-02, Hazard Abatement Ordinance study session.

Motion: Table R-09-02 until the April meeting, **Action:** Table, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, John Wendle, Ron Bemis, Gary Brauchla.

Absent: Cruz Silva.

Item 2

Docket SU-09-06: Planner Michael Turisk asked the Commission to remove the docket from the table.

Motion: Remove from table, Action: Remove from Table, **Moved by** John Wendle, **Seconded by** Jim Martzke.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6). **Yes:** Jim Martzke, Duane Brofer, Lee Basnar, John Wendle, Ron Bemis, Gary Brauchla. **Absent:** Cruz Silva.

Mr. Turisk presented the docket for an application for a Special Use Permit in an RU-4 District to allow for a dog breeding facility/kennel to breed up to 10 dogs and accommodate up to 15 'non-breeding, retired stock dogs', pursuant to §607.06 (Animal Hospitals, Veterinary Clinics and Animal Husbandry Services) of the County Zoning Regulations. The proposed Special Use includes the construction of a 720 square foot structure that would include a sick bay, cleaning and grooming room and a whelping unit, as well as six, 120 square foot dog runs. The eight-acre subject parcel (tax parcel # 208-26-014D) is located at 1338 W. Appaloosa Ln. in Benson. Mr. Turisk explained surrounding zoning and presented photos of the property. He then presented the background information about prior requests by the Applicants. Mr. Turisk stated staff had received 3 letters in opposition of the request, and staff received one letter in support. He further explained factors in favor and factors against.

Member Brofer asked where the property owner that supported the proposal was located. Mr. Turisk stated the person who wrote the letter of support lived outside the notification area.

Marion Beal, Applicant, stated it is very difficult to get small businesses approved due to untrue information that has been circulated. She stated she has made a big compromise in scaling down the business.

Commissioner Silva entered the meeting at 4:25 p.m.

Mrs. Beal explained to the Commission how much money she pays into the local economy.

Member Brofer asked where she had been selling dogs prior to this property. Mrs. Beal stated she had been located in Cochise.

Chair Basnar opened the meeting to the public.

Karen Pike stated she lives outside the 1500' notification area. She stated she has some concerns about all the dog waste; she is concerned about protecting the San Pedro and the runoff from the property.

Laurie Fivecoat, Cochise County Animal Control Officer, stated Mrs. Beal moved from the property in Cochise in 2005 and Animal Control was called because there were animals that had been abandoned on the property. She then moved to the City of Benson and the Animal Control officer inspected her property and she was in violation of the City ordinances. She then stated in 2008 she had inspected the current property and charged her with numerous counts of rabies vaccination violations, and lack of dog licenses.

Chair Basnar closed the meeting to the public, and offered the Applicant time for a rebuttal.

Mrs. Beal stated Ms. Fivecoat has not been to the property since 2008. She stated the other charges were not true.

Chair Basnar asked for the Director's recommendation.

Mr. Turisk stated that staff recommends denial of the Special Use.

Motion: Motion made to approve SU-09-03 with the factors in favor the findings in fact,
Action: Approve, **Moved by** Jim Martzke, **Seconded by** John Wendle.

Mr. Ambrose, County Attorney, asked the Commission not to consider anything regarding the court proceedings raised during public testimony, as there is no evidence here in the case.

Commissioner Wendle stated based on the testimony by Animal Control and the opposition he can not support the proposal.

Commissioner Martzke stated he lives in the area and has heard from many people that live out there and the noise does disrupt the neighbors. He further stated he could not support the proposal.

Commissioner Brofer stated he is concerned about the animals, and had intended to support, but after the testimony doesn't feel the animals should be located there.

Commissioner Brauchla stated he feels there are too many dogs and feels the noise impacts are very severe, and won't support it.

Commissioner Bemis stated he can not support it since it doesn't fall into the Tres Alamos Plan.

Commissioner Silva agreed with the other Commissioners, but is concerned about what will happen to the dogs.

Chair Basnar stated he could not support the proposal either.

Vote: Motion failed (**summary:** Yes = 0, No = 7, Abstain = 0).

No: Jim Martzke, Duane Brofer, Lee Basnar, John Wendle, Cruz Silva, Ron Bemis, Gary Brauchla.

Item 4 – Election of Officers

Motion: Nominate Lee Basnar as Chair, Moved by John Wendle, Seconded by Duane Brofer.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, John Wendle, Cruz Silva, Ron Bemis, Gary Brauchla.

Motion: Nominate Jim Martzke as Vice-Chair, Moved by Cruz Silva, None seconded.

Vote: Motion passed (summary: Yes = 6, No = 0, Abstain = 1).

Yes: Duane Brofer, Lee Basnar, John Wendle, Cruz Silva, Ron Bemis, Gary Brauchla.

Abstain: Jim Martzke.

PLANNING DIRECTOR'S REPORT

1. Board of Supervisors Actions included a work session on the roles of Planning and Zoning. Board approved the Habitat for Humanity rezoning, and the Board approved the Owner Opt out.
2. Next Month's Dockets include five dockets and the study session.

CALL TO COMMISSIONERS

Commissioner Basnar stated when the Commission receives the e-mail about a quorum, he stated when they reply to staff only reply to staff.

ADJOURNMENT

Motion: To Adjourn at 5:23 p.m., Action: Adjourn, Moved by Jim Martzke, Seconded by Duane Brofer.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 7).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, John Wendle, Cruz Silva, Ron Bemis, Gary Brauchla.