



## PLANNING & ZONING COMMISSION MINUTES

Wednesday, December 14, 2011

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 Board Room.

### ROLLCALL

Chair Lynch noted the presence of a quorum. He instructed the Commissioners to indicate their presence and their respective Districts.

1. **Present:** Jim Martzke, Duane Brofer, Jim Lynch, Ron Bemis, Gary Brauchla, Pat Edie, Dan Abrams, Cruz Silva
2. **Absent/Excused:** Rusty Harguess

### CALL TO THE PUBLIC

Chair Lynch opened the call to the public.

Jack Cooke spoke about various matters.

Chair Lynch closed the call to the public.

### APPROVAL OF THE MINUTES

Mr. Lynch called for a motion to approve the minutes of the meeting of November 9, 2011, noting the date of the minutes needs to be changed from November 14, 2011. Mr. Brofer made the motion; Mr. Martzke seconded. The motion passed with seven in favor and one abstention.

**Motion:** Motion to approve the minutes as corrected.

**Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer

**Vote:** Motion passed (**summary:** Yes = 7, No = 0, Abstain = 1)

**Yes:** Jim Martzke, Duane Brofer, Jim Lynch, Ron Bemis, Gary Brauchla, Pat Edie, Cruz Silva

**No:** 0

**Abstain:** Dan Abrams

### Item 1

**PUBLIC HEARING, DOCKET SU-11-13 (Rainbow's End Solar Facility):** The Applicant is requesting a Special Use Authorization to construct and operate a 20MW Solar Energy Power Plant using photovoltaic technology, per Cochise County Zoning Regulations, Section 607.50. The subject property (Parcel# 407-01-005) is approximately 320.79 acres in size and is located west of Brooks Road, north of Highway 80, west of Douglas, AZ. The property is further described as being in Section 35, Township 23 South, Range 26 East of the G&SRB&M in Cochise County, Arizona. To be tabled to a time certain January 11, 2012.

**Applicant:** Kinetix Engineering Company for Rainbows Solar Energy, LLC.

Planning Manager Beverly Wilson, on behalf of the Applicant, asked for a motion to table the request for a time certain January 11, 2012.

Chair Lynch ask the public for comment, there being none he asked for comments from the Commissioners, there being none Jim Martzke moved to table Docket SU-11-13, Duane Brofer seconded the motion. Motion passed unanimously.

**Motion:** Motion to table to time certain January 11, 2012

**Action:** Approve to table Docket SU-11-13, **Moved by** Jim Martzke, **Seconded by** Duane Brofer

**Vote:** Motion passed unanimously (**summary:** Yes = 8, No = 0, Abstain = 0)

**Yes:** 8

**No:** 0

**Abstain:** 0

## **Item 2**

**PUBLIC HEARING, DOCKET S-07-01: Request for extension of the Rio Mesa Tentative Plan,** a request for an additional one-year extension to the Tentative Plat for Rio Mesa Subdivision, located at Highway 90 and Schrader Road in unincorporated Sierra Vista.

**Applicant:** Oracle Engineering Group, Inc.

Planner Keith Dennis explained that this Tentative Plat was both administratively extended, and extended for one year by the Commission. He also gave background information on the tentative plat. The Applicant has requested an additional extension and has paid the required fees. Mr. Dennis commented on the need to further assess the traffic conditions along State 90. Staff recommends approval of the extension request, with a new date of October 23, 2012.

Chair Lynch asked if the applicant wished to speak.

Peter Salonga, speaking for Oracle Engineering Group, Inc, stated they would like to take the additional time to further study the impact of the subdivision on SR 90. They believe there have been changes since the original study and it would impact the access to SR 90.

Chair Lynch opened the public hearing. There being no comment, the public hearing was closed. He asked the commissioners for additional discussion, there being none he asked for the Planning Director's recommendation.

Planner Keith Dennis reiterated the recommendation for approval of the extension request. Duane Brofer moved to approve a onetime extension for new expiration date of October 23, 2012. Jim Martzke seconded the motion.

**Motion:** Motion to approve a onetime extension, new expiration 10/23/2012

**Action:** Approve, **Moved by** Duane Brofer, **Seconded by** Jim Martzke

**Vote:** Motion passed (**summary:** Yes = 8, No = 0, Abstain = 0)

**Yes:** 8

**No:** 0

**Abstain:** 0

### **Item 3**

**PUBLIC HEARING, DOCKET R-11-06:** Consideration of proposed amendments to Article 17 of the Cochise County Zoning Regulations concerning Administrative Lot Development Modifications. Per Article 17, the purpose of administrative lot modifications is to allow flexibility in how some of the site development standards, such as minimum setbacks, are applied to individual lots (but not to larger developments standards, such as subdivisions); to minimize procedural delays and ensure due process in the review of unique and exceptional development situations; to provide administrative relief from zoning requirements that do not affect adjacent properties and the nearby area; and to encourage originality, flexibility and innovation in site planning and architectural design.

Planning Director Mike Turisk stated that these amendments would benefit both the Applicant, in regards to time and costs to obtain permits, and the Planning Department staff to consider peculiar constraints on a site. Affirming these amendments would maintain the integrity of the neighborhood. Mr. Turisk pointed out there would be a citizen review process.

Mr. Abrams asked what brought up this change. Mr. Turisk responded that upon review of the process there was room for improvement keeping in mind the spirit of being business and customer friendly but cognizant of the integrity of the surrounding area and oversight.

Mr. Martzke asked Mr. Turisk how many are received each year. Interim Planning Director said 3 were received in 2011.

Community Development Director Carlos De La Torre stated these amendments would allow Staff more flexibility. Incremental adjustment can help the applicant and avoid the variance process.

Mr. Bemis asked about the effect on the neighbor.

Mr. Turisk discussed the citizen review process and indicated it will remain. The impact on the neighbor depends on the request, however, since it is a public process the concerns of neighbors are a critical component to the process.

Mr. Brofer commented on the role of zoning inspector in regards to the process.

Mr. Turisk responded about instances in which the Applicant had previously built the structures and confirmed that the role of zoning inspector will remain.

Mr. Lynch requested the clarification on the specific wording in 1715.02. He asked to add the word “increasing” in the maximum building/structure height. Mr. Turisk agreed.

Mr. Martzke made the motion to forward a recommendation of approval to the Board of Supervisors to approve the changes as Staff recommended with the modification, recommended by Mr. Lynch. Mr. Brofer seconded the motion.

**Motion:** Motion to forward with recommendation of approval to the Board of Supervisors for their consideration with the modification.

**Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer

**Vote:** Motion passed (**summary:** Yes = 8, No = 0, Abstain = 0)

**Yes:** 8

**No:** 0

**Abstain:** 0

#### **Item 4**

**PUBLIC HEARING, DOCKET R-11-07:** Consideration of amendments to Article 4 (Plan Area Designations and Master Development Plans) and Article 18 (Site Development Standards) of the Cochise County Zoning Regulations concerning areas in unincorporated Cochise County designated by the Comprehensive Plan as Neighborhood Rehabilitation (NR) and Enterprise Redevelopment (ER). The proposed amendments are intended to provide regulatory relief to property owners in NR and ER areas by allowing more flexibility for minimum site development standard requirements, such as setbacks and parking. The amendments would codify the specific scope of minimum site development requirements in the Neighborhood Rehabilitation and Enterprise Redevelopment areas.

Interim Planning Director Turisk presented this docket. He stated that staff is proposing to apply the proposed requirements set forth in the previous dockets to the NR and ER Zoning Districts..

Chair Lynch asked for public comment, there being none the meeting was closed to the public.

Mr. Bemis ask about the email attachment from the City of Sierra Vista regarding the Fry Town site. Mr. Turisk responded that these changes would help others not just in Fry Town site. In addition Mr. Turisk mentioned the City of Sierra Vista’s intent to annex of the Fry Town site at an undetermined time.

Mr. Martzke moved to forward a recommendation of approval for the amendments to Article 4 Plan Area Designation to the Board of Supervisors, seconded by Mr. Brofer. The motion passed unanimously.

**Motion:** Motion to forward to the Board of Supervisors for their consideration of approval

**Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer

**Vote:** Motion passed unanimously (**summary:** Yes = 8, No = 0, Abstain = 0)

**Yes:** 8

**No:** 0

**Abstain:** 0

#### **Item 5**

**PUBLIC HEARING, DOCKET R-11-08, Continuance of discussion from last meeting, WORK SESSION: Ordinance, Bylaws, and Mentoring Guide:**

Chair Lynch stated this docket will not be brought to a vote at this time. He opened the work session with a discussion on the Ordinance.

Mr. Bemis commented on the Section 2, Membership, and the interpretation of the wording. Chair Lynch commented on the excused absence, the effect on representation and their district, and how he would bring it to the Supervisor. Additional discussion between Commissioners and Staff ensued.

Mr. Martzke asked for a rewrite on Section 8, Powers and Duties, page 58, subparagraph A.

Mr. Lynch also asked for a powers and duties rewrite and clarification. He will rewrite Section 8.

Mr. Brofer also mentioned Section 9 needs rewrite.

Mr. Lynch will rewrite both Section 8 and 9. He moved discussion onto the Bylaws.

Mr. Bemis and Mr. Brofer expressed their concern about the structure of the documents.

Cochise County Attorney Brit Hanson commented on the documents and how they should be similar, although they can have a few differences.

Mr. Brauchla commented on the required meeting once a month wording, Chair Lynch mentioned on the word “more” regarding the meetings. Mr. Martzke also commented on striking the words “at least” which allows the meetings not to be held if there are no dockets.

Mr. Bemis, under Article 3, asked why they should be struck. Mr. Lynch stated his opinion on the budget review requirements by the Commission. Mr. Bemis asked about the Commissions ability to review the budget.

Mr. De La Torre mentioned it has not been common however some presentation can be done if necessary.

Mr. Lynch asked for an action item a draft replacement for Article 3, Section 8 which reflects what the Commission currently does in regards to the budget review and the recommendation from the staff.

Mr. Bemis mentioned the budget can be a supporting factor.

Attorney Hanson suggested changing the word “shall” to “may” so it doesn’t put on the Commission an obligation not desired but just the opportunity for review, giving the authority but not the responsibility. Additional discussion between Staff and Commissioners on what are the possibilities of action.

Mr. Lynch commented on the use of parliamentary procedures and the removal of these as a requirement.

Attorney Hanson commented on the opportunity for someone to use parliamentary procedure to prevent action by the Commission and the wording currently in use.

Mr. Bemis asked for a codified document to fall back on in regards to amendments.

Mr. Lynch will rewrite Article 3, Section 11, to allow for use of a document for guidance.

Mr. Lynch commented on the quorum call procedure. Additional discussion between the Commissioners in regards to attendance.

Mr. Lynch closed the discussion.

## **6. PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS**

Mike Turisk commented on the upcoming dockets for the January 11, 2012 Commission Meeting.

## **7. CALL TO COMMISSIONERS ON RECENT MATTERS**

Mr. Brauchla mentioned he will miss the next meeting. Mr. Lynch reminded the mentioned the Commission of elections in January.

## **8. ADJOURNMENT**

Mr. Lynch called for a motion to adjourn. Mr. Martzke moved to adjourn; Mr. Brofer seconded, all approved and the meeting was adjourned at 5:19 p.m.