

**COCHISE COUNTY PLANNING & ZONING COMMISSION
FINAL MINUTES
March 9, 2016
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 Chairman Greene at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Mr. Greene 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 that there was one Tentative Plat Extension, two Special Use Dockets, and one Special Use Modification Docket on the agenda. Mr. Greene explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Mr. Greene 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 (Jim Martzke, Carmen Miller, Wayne Gregan, Patrick Greene, Liza Weissler, Nathan Watkins and Pat Edie indicated their presence. Staff members present included; Paul Esparza, Planning Director; Jesse Drake, Planning Manager; Britt Hanson, Chief Civil Deputy County Attorney; Peter Gardner, Planner I; and Jim Henry, Planner I.

APPROVAL OF THE MINUTES

Motion: March 9, 2016 Action: Approve

Moved by: Mr. Martzke **Seconded by:** Mr. Watkins

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

Yes: Mr. Martzke, Mr. Gregan, Mr. Greene, Ms. Weissler, Mr. Watkins, and Ms. Edie

No: 0

Abstain: Ms. Miller

CALL TO THE PUBLIC:

Mr. Jack Cook of Bisbee spoke on matters of personal concern.

NEW BUSINESS

Item 1 NOT A PUBLIC HEARING Docket S-05-05 (La Marquesa)

This request is for approval of an additional one-year time extension for the La Marquesa Subdivision Tentative Plat that was originally approved by the Board of Supervisors on February, 5, 2007. The current Tentative Plat extension expired on February 5, 2016. The developer is Mr. Patrick Kirk and the Project Engineer is Mr. Blaine Reely of Monsoon Consultants in Tucson. Chairman Greene called for the Planning Director's report. Planning Manager Jesse Drake presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Ms. Drake also explained Staff's analysis of the request. She closed by listing factors in favor of and against approval and invited questions from the Commission. Mr. Martzke asked if the extension were granted, then the original regulations

would apply. Ms. Drake stated that this was correct. Mr. Gregan asked if any new standards adopted would apply. Ms. Drake stated that newly adopted standards would not apply.

Chairman Greene then invited the Applicant to speak. Mr. Patrick Kirk spoke briefly, explaining that there have been no positive changes to the real estate market since last year.

Mr. Greene invited discussion. There being no discussion, Mr. Greene asked for Staff's recommendation. Ms. Drake recommended Conditional Approval with the same conditions previously approved. Mr. Greene called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions as recommended by Staff. Mr. Watkins seconded the motion. There being no further discussion, Mr. Greene called for a vote on the motion. The motion failed 2-5, with Mr. Greene and Mr. Watkins in favor.

Motion: Motioned to Extend the Tentative Plat for one year, with the Conditions recommended by Staff

Moved by: Mr. Martzke **Seconded by:** Mr. Watkins

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

Yes: Mr. Greene and Mr. Watkins

No: Mr. Martzke, Ms. Miller, Mr. Gregan, Ms. Weissler, and Ms. Edie

Abstain: 0

Item 2 PUBLIC HEARING Docket SU-16-02 (Doman) A request for a Special Use authorization for gunsmithing services, with accessory retail sales, in a Rural (RU) zoning district located at 1384 E. Jefferson Road, north of Huachuca City. The applicant is Lance Doman.

Chairman Greene 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. Mr. Gardner also explained Staff's analysis of the request, including the requested Modifications. He noted the support and opposition received, and closed by listing factors in favor of and against approval and then invited questions from the Commission.

Mr. Greene then opened the Public Hearing. The Applicant, Mr. Doman spoke, explaining the limited nature of the business, and what he was permitted to do under his Federal Firearms License.

There being no speakers, Mr. Greene closed the Public Hearing. Mr. Gregan asked if anything would be sold online. Mr. Doman stated that there would not be anything sold online. Mr. Gregan asked about size and frequency of deliveries. Mr. Doman stated once or twice per month, there would be UPS deliveries. Mr. Greene asked if ammunition would be stored. Mr. Doman stated that only his personal ammunition and reloading supplies. Ms. Weissler asked if the docket was approved, would he be able to manufacture or sell ammunition in the future. Mr. Doman stated that his FFL would not permit either of those. Mr. Greene then asked for Staff's recommendation. Mr. Gardner recommended Conditional Approval with the requested Modifications. Mr. Greene called for a motion. Mr. Gregan made a motion of Conditional Approval, with the Conditions recommended by Staff. Ms. Edie seconded the motion. There being no further discussion, Mr. Greene called for a vote on the motion. The motion passed 6-0, with Ms. Weissler abstaining.

Motion: Motioned to Approve the Docket with the Conditions recommended by Staff

Moved by: Mr. Gregan **Seconded by:** Ms. Edie

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

Yes: Mr. Martzke, Ms. Miller, Mr. Gregan, Mr. Greene, Mr. Watkins, and Ms. Edie

No: 0

Abstain: Ms. Weissler

Item 3 PUBLIC HEARING Docket SU-16-01 (AEPCO)

A request for a Special Use authorization to approve approximately 202 acres of solar energy, in three phases, at the AEPCO property located at 3525 N. Highway 191 in Cochise. The Applicant is Arizona Electric Power Cooperative Inc. (AEPCO). Chairman Greene called for the Planning Director's report. Planner I Jim Henry presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Henry also explained Staff's analysis of the request, including the requested Modifications. He noted the support and opposition received, and closed by listing factors in favor of and against approval and then invited questions from the Commission. Mr. Watkins asked where this project was in relation to the Solar Star project approved on other AEPCO land nearby. Mr. Henry showed on the map where both projects were. Mr. Gregan asked about how phasing would interact with potential new technologies. Mr. Greene suggested delaying the response until the Applicant had spoken. Ms. Drake stated that she felt such changes may be minor modifications, but could be major modifications that would require Commission approval. Mr. Watkins asked if the project could infringe on future widening of Dragoon Road. Mr. Henry stated that the project was not near Dragoon Road. Mr. Gregan asked if installing slats in the existing chain link fence would qualify as screening, noting that he did not foresee that subdivision developing. Mr. Gardner explained that screening is required to be opaque, and therefore slatted chain link did not meet the requirement. Ms. Weissler asked about the impact to capacity if setback waivers were denied. Mr. Henry deferred to the applicant.

Chairman Greene then opened the Public Hearing. Mr. Mike Saunders, Land Services Manager for AEPCO spoke, explaining the background and intent of the request. Mr. Saunders explained the State and Federal requirements driving the request, and how the project would benefit the Cooperative's customers. He closed by offering to take questions.

Mr. Greene opened the Public Hearing. Mr. Robert Statchel spoke, noting that he was an attorney for Mr. Doug Clark, a resident near the site. Mr. Statchel expressed concerns about the phasing, noting that some information on future phasing was not yet available. He suggested that perhaps the approval be granted in phases. Mr. Statchel stated that his client was comfortable with the setback waiver, but was opposed to the screening waiver.

There being no further speakers in support or opposition, Mr. Greene invited the Applicant to rebut. Mr. Saunders stated that AEPCO looked at lands that were adjacent to their parcels that already had infrastructure. He explained that the scope was based on the potential need, as AEPCO preferred not to submit multiple applications. He explained the size and orientation of the solar panels, noting that they were fixed rather than tracking panels. Mr. Saunders explained AEPCO's efforts to acquire lots in Sunsites Unit 7 to improve their buffer space, and defended the setback waivers, answering Ms. Weissler's previous question regarding capacity. He noted that the power plant had been there since 1978, and had been a power plant site

since the 1950's, and noted that the screening would not hide the existing power plant. Mr. Gregan asked what the elevation of the railroad spur. Mr. Saunders stated that the railroad bed was four to six feet higher than the adjacent area. Mr. Greene asked Mr. Saunders about the input from Arizona Game & Fish and potential serious harm to wildlife habitat. Mr. Saunders explained AEPCO's environmental efforts. Ms. Miller asked how the land would be prepared; if it would be graded, or selectively cleared. Mr. Saunders stated the land would be grubbed, and hydrology studies completed. Mr. Greene asked about the current generating capacity versus the proposed solar fields. Mr. Saunders stated that the total is currently about 600 megawatts, and the solar would be substantially less. Mr. Henry asked Mr. Saunders for clarification of what screening was being requested to be waived. Mr. Hanson stated that only the southern property line was discussed in the report.

Mr. Greene closed the Public Hearing and invited discussion. Mr. Gregan asked if screening would still be required with a 200-foot setback. Mr. Henry stated that it would still be required. Mr. Gregan noted that the existing power plant and the coal piles were not screened, and asked if that was due to grandfathering. Mr. Henry stated that he did not have that information on hand. Mr. Gardner stated that the Zoning Inspector could defer screening if adjacent parcels were not developed. Mr. Martzke stated that AEPCO's property was grandfathered in with the chain link fencing when the parcel was zoned Heavy Industry in 1975. He stated that original sellers in Sunsites Unit 7 were not disclosing the power plant when selling the lots, and stated he did not support screening. Ms. Miller stated that she felt the Special Use process existed to re-evaluate these standards. Mr. Gregan asked Staff to determine if screening of the existing plant would be required if the parcels to the west were developed. Mr. Greene asked if the Commission could impose phasing on the project. Mr. Hanson stated that they could not, but they could approve only certain phases at this time. He stated that they should ask the Applicant if the phases were fundamentally linked and such denial would make the project unfeasible. Mr. Gardner answered Mr. Gregan's question about screening, explaining that in 2002 the Commission waived screening on the basis that it would be ineffective in concealing the power plant and associated materials based on their height. Mr. Greene asked Mr. Saunders how enforced phasing would impact the proposal. Mr. Saunders answered that he was unsure if it would be a problem, but stated that he felt it was still a feasible project. Mr. Martzke stated that he felt phase one and two were linked, but phase three could be deferred and heard at a later date. Mr. Saunders agreed with Mr. Martzke's analysis. Mr. Hanson asked Mr. Saunders for clarification on the requested screening and setback waivers, to ensure that AEPCO was asking for everything they wanted. Mr. Saunders offered to do visual analysis to show if screening would be useful in future phases.

There being no further discussion, Mr. Greene asked for Staff's recommendation. Mr. Henry clarified the applicant's screening waiver requests. Mr. Hanson expressed discomfort with expanding the waivers from what was published, and concurred with Ms. Miller that tabling the item for further study was a good idea. Mr. Greene called for a motion. Mr. Gregan made a motion to table the docket to the next meeting. Ms. Miller seconded the motion. There being no further discussion, Mr. Greene called for a vote on the motion. The motion passed 6-1, with Mr. Martzke opposed.

Motion: Motioned to Table the docket until the next meeting

Moved by: Mr. Gregan **Seconded by:** Ms. Miller

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

Yes: Ms. Miller, Mr. Gregan, Mr. Greene, Ms. Weissler, Mr. Watkins, and Ms. Edie
No: Mr. Martzke
Abstain: 0

Item 4 PUBLIC HEARING SU-06-14C (CQ Palominas)

A request for a Special Use modification to approve a new wall sign and an over-height sign at the Copper Queen Palominas Clinic, a 1.76-acre, R-36, Residential zoned property located at 10524 Highway 92, Hereford, Arizona. The Applicant is Copper Queen Community Hospital/Palominas-Hereford Clinic.

Chairman Greene called for the Planning Director's report.

Planning Manager Jesse Drake presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Ms. Drake also explained Staff's analysis of the request. Mr. Gregan asked about why the area was designated High Density Residential/Business in the Southern San Pedro Area Plan, and Category C in the Comprehensive Plan. Mr. Drake and Ms. Gardner explained the interaction and rationale for the designations. Mr. Gregan also stated that he felt the sign did not comply with the suggestions in the Area Plan. Ms. Drake noted the support and opposition received, and closed by listing factors in favor of and against approval and then invited questions from the Commission. Mr. Gregan expressed his opposition to the sign.

Mr. Greene then opened the Public Hearing. The Applicants' representative Mr. Guy Shoaf spoke explaining the request. Mr. Shoaf explained both the branding effort and the attempt to increase visibility. He explained the clinic's mission, and how much the light would decrease with the new sign.

There being no speakers, Mr. Greene closed the Public Hearing. Mr. Gregan expressed concern about that Mr. Shoaf stated that the sign should be considered based on what the zoning could be. He stated that he felt the proposed sign was not fitting with the character of the neighborhood. Ms. Weissler expressed concern about the height, which would be above the trees planted by the neighbor to screen the sign from their property. Mr. Shoaf stated that the sign would be above the trees, and stated that the trees blocked the sign from the road, but not the property owners' home. Ms. Miller asked if the sign was turned off at night. Ms. Drake stated that the sign was permitted to remain on until 11:00 pm. Mr. Shoaf stated that there was no intention to leave the sign on all night, but did not want to cede the right to have the sign on after dark if the business was open. Mr. Greene asked staff what the purpose of the nearby 30-foot pole was, and why it was relevant to the report. Ms. Drake stated it held electrical lines, and was included only as a height reference. Mr. Esparza asked Mr. Greene if there was a height between the existing, permitted 12 feet and the proposed 20 feet that would be acceptable to the Commission. Mr. Greene asked if the Applicant could live with a reduced height. Mr. Shoaf stated that he felt the question was unfair and declined to answer. Mr. Greene then asked for Staff's recommendation. Ms. Drake recommended Conditional Approval. Mr. Greene called for a motion. Ms. Weissler made a motion of Conditional Approval, with the Conditions recommended by Staff. Mr. Martzke seconded the motion. Ms. Weissler stated that she felt most of the area residents were already aware of the clinic's location, and felt that the 20 feet was excessive. There being no further discussion, Mr. Greene called for a vote on the motion. The motion failed, 3-3-1, with Ms. Miller, Mr. Greene, and Mr. Watkins in favor, Mr.

Martzke, Mr. Gregan, and Ms. Weissler opposing, and Ms. Edie abstaining. The tie vote causes the Special Use Modification is automatically tabled to the next meeting

Motion: Motioned to Approve the Docket with the Conditions recommended by Staff

Moved by: Ms. Weissler **Seconded by:** Mr. Martzke

Vote: Motion failed (**Summary:** Yes = 3, No =3, Abstain = 1)

Yes: Ms. Miller, Mr. Greene, Mr. Watkins

No: Mr. Martzke, Mr. Gregan, Ms. Weissler

Abstain: Ms. Edie

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

Next P&Z Commission meeting

April 13, 2016

- a. SU-16-03 (Levine) dog boarding near Willcox
- b. SU-16-04 (Kriaris) medical marijuana near Willcox
- c. SU-16-05 (Canna Sunglow) medical marijuana near Pearce
- d. SU-16-07 (Brown) dog boarding near Sierra Vista

May 11, 2016

- a. SU-16-06 (Frazier) medical marijuana north of Elfrida

Upcoming

- a. Special Use request for Indoor Recreation in Whetstone

CALL TO COMMISSIONERS ON RECENT MATTERS:

Mr. Greene thanked the members for their comments and work, and stated that he felt that the Commission's work disproved the accusations made in several of the objection letters.

ADJOURNMENT – Mr. Martzke moved to adjourn, Ms. Weissler seconded, and the meeting was adjourned at 6:39 pm.