

**COCHISE COUNTY PLANNING & ZONING COMMISSION  
FINAL MINUTES  
March 11, 2015  
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 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 were three Special Use Dockets, two Rezoning Dockets, and one Subdivision Tentative Plat Extension, 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, Gary Brauchla, Patrick Greene, Tim Cervantes, Wayne Gregan, and Liza Weissler) indicated their presence. Staff members present included; Beverly Wilson, Planning Director; Peter Gardner, Planner I; Jesse Drake, Planner II; and Elda Orduno, Civil Deputy County Attorney.

**APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes of the February 11, 2015 meeting. **Action:** Approve

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

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

**Yes:** Mr. Martzke, Mr. Greene, Mr. Cervantes, Mr. Gregan, and Ms. Weissler

**No:** 0

**Abstain:** Ms. Miller and Mr. Brauchla

**CALL TO THE PUBLIC:**

Mr. Jack Cook of Bisbee spoke of various matters.

**NEW BUSINESS**

**Item 1 PUBLIC HEARING Docket SU-14-19 (AP Towers).** This is a request for a Special Use Authorization to approve the addition of a commercial wireless communications facility and tower in a General Business zoning district located at 4120 E. Ramsey Road, in Hereford, AZ.

Chair Greene called for the Planning Director's report. Planner II 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. Greene then opened the Public Hearing. The Applicant, Mr. Kent Flake of Clear Blue Services in Tempe, spoke, explaining the background and rationale behind the request, and offered to take questions.

There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Mr. Gregan asked Mr. Flake what the finish on the pole would be. Mr. Flake stated it would be galvanized. Mr. Brauchla asked about the collocation capacity, and Mr. Flake explained the tower's capacity, which met County regulations. Ms. Weissler asked Staff about the height of nearby towers. Ms. Miller asked about siting of towers, and Ms. Drake and Mr. Flake explained the process for an Applicant to site a tower. There being no further discussion, Mr. Greene asked for Staff's recommendation. Ms. Drake recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Greene called for a motion. Mr. Gregan made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Mr. Cervantes seconded the motion and Mr. Greene stated he would reserve comment until the final docket, called for a vote. The motion passed 6-1, with Ms. Weissler opposed.

**Motion:** Motioned to Approve the Docket with Conditions and Modifications recommended by Staff. **Action:** Conditional Approval with Modifications.

**Moved by:** Mr. Gregan **Seconded by:** Mr. Cervantes

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

**Yes:** Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Greene, Mr. Cervantes, and Mr. Gregan

**No:** Ms. Weissler

**Abstain:** 0

**Item 2 PUBLIC HEARING Docket SU-15-02 (Brya).** This is a request for a Special Use authorization to approve a medical marijuana cultivating, dispensary, and infusion facility in a RU-4 rural zoning district on Leyete Drive outside of Elfrida, AZ.

Chair Greene called for the Planning Director's report. Planner II 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. Greene then opened the Public Hearing. The Applicant, Mr. John Brya of Elfrida, declined to speak to this particular docket, preferring to wait to rebut opposition speakers.

Ms. Linda Schmidt of McNeal spoke in opposition. Ms. Schmidt noted that she did not oppose medical marijuana, but felt this was in the wrong place. She noted concern about wells and the roads.

Mr. Scott Wolfe of McNeal spoke in opposition. Mr. Wolfe expressed concern about the use attracting criminal activity. He stated that evidence existed proving that marijuana use led to stronger drug use.

Ms. Irene Schwek of McNeal spoke in opposition. Ms. Schwek expressed support of medical marijuana, but stated that she felt this was not an appropriate location based on irrigation.

Mr. Daren Spence of McNeal spoke in opposition. He shared personal experience with individuals using marijuana and other substances and expressed vehement opposition for medical marijuana as a cover for illicit drug use.

Ms. Debbie Koontz of McNeal spoke in opposition. Ms. Koontz expressed concern about losing the ability to build on her land based on the location of the facility, and concern for property values.

There being no further speakers in support or opposition, Mr. Greene invited the Applicant to rebut. Mr. Brya stated it was “a little late to argue the marijuana laws” and asked his colleague, Mr. Parent to further rebut. Mr. Parent stated that there would be no irrigation. He also stated that they would maintain the road, and that the only limits on cultivation were visibility. He stated that the dispensary would help clean up the area by regulating marijuana in the area. Mr. Greene asked Mr. Parent to direct his remarks to the Commission rather than the public. Mr. Parent further explained the law regarding intake of the product.

Mr. Greene then closed the Public Hearing and invited discussion, reminding the Commission that their role was to address land use issues rather than decided legal issues. Mr. Gregan asked Staff about the required setbacks, which Staff clarified. Mr. Greene asked the Applicant if they intended to deliver product rather than having pickup. The Applicants clarified their intent and required security systems. Mr. Brauchla asked about irrigation rights. Ms. Drake explained the state non-expansion area, but noted that the water was a State level regulation. Ms. Miller expressed concern about light pollution potential of the site. Ms. Wilson noted that an existing dispensary in Dragoon met both state and county codes regarding lighting. There being no further discussion, Mr. Greene 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 and Mr. Greene noted that the Commission should vote based on the regulations rather than personal feelings, and called for a vote. The motion passed 6-1, with Ms. Miller opposed.

**Motion:** Motioned to Approve the Docket with Conditions recommended by Staff. **Action:** Conditional Approval.

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

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

**Yes:** Mr. Martzke, Mr. Brauchla, Mr. Greene, Mr. Cervantes, Mr. Gregan, and Ms. Weissler

**No:** Ms. Miller

**Abstain:** 0

**Item 3 PUBLIC HEARING Docket SU-15-03 (CFAC).** This is a request for a Special Use authorization to approve an existing facility as a Victim Advocacy Center, a Use considered Welfare and Charitable Services on an MH-72, (Multiple Household Residential) zoned property, located at 214 E. Tacoma Street in Sierra Vista, AZ.

Chair 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 closed by listing factors in favor of and against approval and invited questions from the Commission. Ms. Weissler stated that she thought Staff had received several letters of opposition. Mr. Gardner stated that Staff had not received any such opposition.

Mr. Greene then opened the Public Hearing. The Applicant, Ms. Lori Rutherford of Sierra Vista, spoke, explaining the background and rationale behind the request. She stated that she had not received any opposition to her notification.

There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Ms. Weissler stated that she worked with one of the individuals who had emailed the Applicant, and further stated that she heard that the neighbor was in opposition, and expressed concern about that disconnect. Mr. Gregan asked if this facility would be used by agencies outside Cochise County. Ms. Rutherford stated that it was possible, but she couldn't say with certainty. She further explained how the center would benefit the Medical and Law Enforcement agencies in the County. Mr. Cervantes asked for more details of how the Center operates, with emphasis on neighborhood impacts. Ms. Rutherford explained the process and how it would produce minimal impact to neighboring properties. Mr. Gregan asked about operating hours. Ms. Rutherford clarified that normal business hours would be the norm, but it would be possible that there may be cases outside of those hours. Mr. Greene asked Staff regarding potential signage. Mr. Gardner explained the permitted signage. There being no further discussion, Mr. Greene asked for Staff's recommendation. Mr. Gardner recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Greene called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Ms. Miller seconded the motion and Mr. Greene then called for a vote. The motion passed unanimously.

**Motion:** Motioned to Approve the Docket with Conditions and Modifications recommended by Staff. **Action:** Conditional Approval with Modifications.

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

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

**Yes:** Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Greene, Mr. Cervantes, Mr. Gregan, and Ms. Weissler

**No:** 0

**Abstain:** 0

**Item 4 PUBLIC HEARING Docket Z-15-01 (Southwest General Development).** This is a request for a rezoning from R-36 (Residential, one dwelling per 36,000-square feet) to GB (General Business). The subject parcel is approximately 0.65-acres in size and will facilitate the construction of a Retail Establishment. The parcel is located on E. Cactus Lane off of Highway 92 in Hereford, AZ.

Chair 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. He closed by listing factors in favor of and against approval and invited questions from the Commission. Mr. Gregan asked if the nearby residence would require the Applicant to build screening as the site was developed. Mr. Gardner stated that this was correct.

Mr. Greene then opened the Public Hearing. The Applicant's representative, Mr. Bob Workman of Sierra Vista, spoke, offering to answer any questions.

There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Ms. Weissler asked what the planned retail establishment was. The Applicant's representative deferred to Staff. Mr. Gardner stated that while the exact business was not relevant to Staff, the proposed business was a Dollar Store. Ms. Weissler asked if the neighbors were aware of this. Mr. Gardner explained that the Applicant had not disclosed the exact nature of the business, but was not under any obligation to do so. Ms. Weissler expressed concern that neighbors may have objected if they were aware of the exact business. Ms. Weissler asked what additional permits would be needed. Mr. Gardner explained that a Building/Use permit would be required. There being no further discussion, Mr. Greene asked for Staff's recommendation. Mr. Gardner recommended Conditional Approval. Mr. Greene called for a motion. Mr. Gregan made a motion to forward the docket to the Board of Supervisors with a recommendation of Approval, with the Conditions recommended by Staff. Mr. Martzke seconded the motion and Mr. Greene called for a vote. The motion passed 6-1, with Ms. Weissler opposed.

**Motion:** Motioned to forward the docket to the Board of Supervisors with a recommendation of Conditional Approval with Conditions recommended by Staff. **Action:** Recommend Conditional Approval.

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

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

**Yes:** Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Greene, Mr. Cervantes, and Mr. Gregan **No:** Ms. Weissler

**Abstain:** 0

**Item 5 PUBLIC HEARING Docket Z-15-02 (Blake).** This is a request for a rezoning from SR-43 (Single-Household Residential, one dwelling per 43,560-square feet) to SR-174 (Single-Household Residential, one dwelling per 4-acres). The subject parcels are located along S. Cochise Stronghold Road in Pearce, AZ.

Chair 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. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Greene then opened the Public Hearing. The Applicant, Ms. Linda Blake, was not present.

There being no speakers Mr. Greene then closed the Public Hearing and invited discussion. There being no further discussion, Mr. Greene asked for Staff's recommendation. Mr. Gardner recommended Conditional Approval. Mr. Greene called for a motion. Mr. Martzke made a motion of to forward the docket to the Board of Supervisors with a recommendation of Conditional Approval, with the Conditions recommended by Staff. Mr. Cervantes seconded the motion and Mr. Greene called for a vote. The motion passed unanimously.

**Motion:** Motioned to forward the docket to the Board of Supervisors with a recommendation of Conditional Approval with Conditions recommended by Staff. **Action:** Recommend Conditional Approval.

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

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

**Yes:** Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Greene, Mr. Cervantes, Mr. Gregan, and Ms. Weissler

**No:** 0

**Abstain:** 0

**Item 6 ACTION Docket S-05-05 (La Marquesa Subdivision).** 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, 2015. The developer is Mr. Patrick Kirk and the Project Engineer is Mr. Blaine Reely of Monsoon Consultants in Tucson.

Chair Greene called for the Planning Director's report. Planner II 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.

The Applicant, Mr. Patrick Kirk spoke, explaining his request.

Mr. Greene invited discussion. There being no discussion, Mr. Greene asked for Staff's recommendation. Ms. Drake recommended Conditional Approval. Mr. Greene called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions recommended by Staff. Mr. Gregan seconded the motion and Mr. Greene then called for a vote. The motion passed unanimously.

**Motion:** Motioned to Extend the Tentative Plat with Conditions recommended by Staff. **Action:** Extend the Tentative Plat.

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

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

**Yes:** Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Greene, Mr. Cervantes, Mr. Gregan, and Ms. Weissler

**No:** 0

**Abstain:** 0

**PLANNING DIRECTOR'S REPORT:**

1. The Board of Supervisors will act on the Readoption of the Cochise County Comprehensive Plan on March 10<sup>th</sup>.
2. April's dockets: A Special Use Authorization request for a medical marijuana facility near Elfrida, a rezoning request, and communications tower request.

**CALL TO COMMISSIONERS ON RECENT MATTERS:** There was no discussion.

**ADJOURNMENT** – Mr. Martzke moved to adjourn, Mr. Gregan seconded, and the meeting was adjourned at 6:02 pm.