

**COCHISE COUNTY PLANNING & ZONING COMMISSION
FINAL MINUTES
May 13, 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 Chairman Greene at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Chairman, 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 and one Rezoning 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, Patrick Greene, Liza Weissler, Tim Cervantes, Wayne Gregan, Nathan Watkins and Pat Edie) indicated their presence. Staff members present included; Beverly Wilson, Planning Director; Peter Gardner, Planner I; Jesse Drake, Planner II; and Janet Smith, Secretary II.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the April 8, 2015 meeting. **Action:** Approve

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

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

Yes: Mr. Martzke, Mr. Cervantes, Mr. Gregan, Mr. Watkins, and Ms. Edie

No: 0

Abstain: Mr. Greene and Ms. Weissler

CALL TO THE PUBLIC:

Mr. Jack Cook of Bisbee spoke of various matters.

NEW BUSINESS

Item 1 NOT A PUBLIC HEARING Docket S-08-02 (Red Hawk III, Unit IV Subdivision). The Applicant is requesting a Tentative Plat extension for the Red Hawk III Subdivision located south of I-10 on J-6 Ranch Road. The Developer is Thunder Ranch Estates Unit IV, LLC, represented by Mr. Jim Vermilyea.

Chairman 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 for and against approval and invited questions from the Commission. Mr. Greene noted that the Applicant was not present. Ms. Weissler expressed a preference that the Applicant be present.

Ms. Weissler made a motion to Table the Docket to a time uncertain, until the Applicant was able to be present. Mr. Gregan seconded the motion and Mr. Greene called for a vote. The motion passed 6-1, with Mr. Martzke abstaining.

Motion: Motioned to Table the Docket to a time uncertain. **Action:** Table to time uncertain.

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

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

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

No: Mr. Martzke

Abstain: 0

Item 2 PUBLIC HEARING Docket SU-15-07 (Swinerton Red Horse): The Applicant is requesting a Special Use authorization per Section 607.40 of the Zoning Regulations, to approve a wireless communications facility including a 90-foot tower located on State of Arizona land in Willcox, AZ.

Chairman 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. Mr. Brian Hoopes of Elk Grove, California, as a representative of the Applicant explained the request, and offered to take questions. There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Ms. Weissler asked why the State would not permit co-location on their equipment. Ms. Drake and the Applicant explained that the State did not permit commercial co-location on their towers. 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. Martzke made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Ms. Weissler seconded the motion. There being no further discussion, Mr. Greene called for a vote. The motion passed 7-0.

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. Weissler

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

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

No: 0

Abstain: 0

Item 3 PUBLIC HEARING Docket SU-03-04B (Rule):

The Applicant is requesting a Special Use Modification to expand an existing the gymnastics studio (indoor recreation) at Desert Thunder Gymnastics, per Section 607.08 of the Zoning Regulations. The subject property is located at 7557 E. Thuma Road in Sierra Vista, AZ. The Applicant is Lonnie Rule.

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. He closed by listing factors in favor of and against approval and invited questions from the Commission. Mr. Gregan asked for clarification of the driveways, which Mr. Gardner provided.

Mr. Greene then opened the Public Hearing. The Applicant, Ms. Lonnie Rule of Hereford, spoke, explaining the background and rationale behind the request. Mr. Greene asked for speakers.

There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Mr. Greene asked if there were issues with plants adjacent to the building. Mr. Gardner stated that there were no zoning or building code issues with the plants. Mr. Gregan asked if Staff was changing the recommendation regarding the driveways. Mr. Gardner stated that the conditions stood as written. 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 of Conditional Approval, with the Conditions recommended by Staff. Mr. Martzke seconded the motion and Mr. Greene called for a vote. The motion Passed 7-0.

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

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

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

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

No: 0

Abstain: 0

Item 4 PUBLIC HEARING Docket SU-06-14B (Copper Queen Clinic Palominas).

The Applicant is requesting a Special Use Modification per Section 707.05 of the Zoning Regulations, to install a new sign at the Copper Queen Community Hospital-Palominas Hereford Clinic located at 10524 Highway 92 in Palominas, AZ. The Applicant is Copper Queen Community Hospital-Palominas Hereford Clinic.

Chairman 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's representative, Mr. Guy Shoaf of Tucson, spoke, explaining the background and rationale behind the request. He offered rebuttal to Staff's concerns, and offered to reduce the size of the sign to make it compliant with the size limitation. Mr. Shoaf offered information from the State's driver's manual to demonstrate the need for visibility that the proposed sign would provide.

Ms. Virginia Martinez of Hereford spoke in favor of the request, noting support for the clinic. She stated that she felt the improved sign visibility was important.

Mr. Jim Dickson of Bisbee identified himself as the CEO of the hospital. Mr. Dickson disputed Staff's photographs and report. He stated that "we have been overregulated like crazy." He blamed the situation on the neighbor who planted trees that obscured the sign, and explained how that influenced their request.

Mr. Jack Cook of Bisbee expressed his concerns about the sign.

There being no further speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Ms. Weissler stated that she passes the clinic often, and questioned whether the current sign is visible. She voiced support for the request, particularly if the sign size is reduced. Mr. Gregan stated he felt that there were a number of opportunities to comply with the regulations and permitting. He defended the regulations and encouraged the Applicant to work with Staff to find a compromise. Mr. Greene concurred with Mr. Gregan's comments and expressed concern that the sign company failed to make an effort to work with the Applicant and the County to correctly permit the sign. Mr. Greene stated that he felt the issue may not be ripe, and recommended more discussion between the Applicant and Staff. Mr. Gregan asked for clarification that if the request was rejected that the Applicant could reapply with a different proposal. Ms. Drake stated that was correct, and that the Applicant would also have the option of appealing the decision to the Board of Supervisors with the current proposal.

There being no further discussion, Mr. Greene asked for Staff's recommendation. Ms. Drake recommended Denial. Greene called for a motion. Mr. Watkins moved to table the docket until the next meeting, and Mr. Martzke seconded. The Applicant stated that they felt that the two positions were intractable, and a one-month delay would not change the proposal. After discussion, Mr. Greene called for a vote. The vote failed 2-5, with Mr. Martzke and Mr. Greene supporting the motion. Mr. Gregan made a motion to Conditionally Approve the docket, with the Conditions recommended by Staff. Mr. Martzke seconded the motion and Mr. Greene called for a vote. The motion failed 1-6, with Ms. Weissler voting in favor.

Motion: Motioned to Table the docket until the June meeting. **Action:** Table to time certain.

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

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

Yes: Mr. Martzke and Mr. Greene

No: Mr. Gregan, Ms. Weissler, Mr. Cervantes, Mr. Watkins, and Ms. Edie

Abstain: 0

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

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

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

Yes: Ms. Weissler

No: Mr. Martzke, Mr. Gregan, Mr. Greene, Mr. Cervantes, Mr. Watkins, and Ms. Edie.

Abstain: 0

Item 5 PUBLIC HEARING Docket CP-14-01 (Re-Adoption of the Cochise County Comprehensive Plan).

This docket is a review by the Commission of the changes made to the Cochise County Comprehensive Plan on March 24, 2015, by the Cochise County Board of Supervisors when they

adopted the Comprehensive Plan with the exception of language found in Element F: Federal Government Coordination Element, Goal 1 Policies a, and c; Goal 3; Goal 3 Policies a, d, and i; and Element I Rural Character Element, Goal 1, Policies b, c, d, e, and f.

Chairmen Greene called for the Planning Director's report. Planning Director Beverly Wilson presented the Docket, explaining the background of the Board's changes and the legal basis for the hearing.

Mr. Greene discussed how to handle the request and expressed opposition to accepting the changes. Ms. Weissler asked if the Board rejects the Commission's recommendation does it come back to the Commission. Ms. Wilson explained that the Board's decision on this recommendation would be the final decision. Ms. Weissler stated she felt the Commission's work was good and should be approved, and any changes from the Board should fall on the Board without the Commission's "rubber stamp". Mr. Greene agreed and questioned the County's ability to require the Federal Government to consider County policy. Mr. Gregan explained his take on the Board's rationale and stated that Federal involvement was a major problem in the County. Ms. Weissler stated that she felt the language was unenforceable and suggested making a motion to reject the Board's changes.

Mr. Greene then opened the Public Hearing

Ms. Mary McCool of the Mescal/J-6 CDO spoke, asking the Commission to uphold their recommendations to the Board of Supervisors.

Mr. Jack Cook of Bisbee expressed his concerns.

There being no further speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Mr. Gregan expressed support for the Commission's work, and noted that it was likely that the Board would keep their own changes, and therefore not much time should be spent on the issue. Ms. Weissler and Mr. Martzke agreed. There being no further discussion, Mr. Greene called for a motion. Mr. Martzke made a motion to forward the docket to the Board of Supervisors as originally recommended by the Commission. Mr. Cervantes seconded the motion and Mr. Greene called for a vote. The motion passed 7-0.

Motion: Motioned to Forward the Docket with a recommendation of keeping the original language recommended by the Commission. **Action:** Forward with recommendation of rejection.

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

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

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

No: 0

Abstain: 0

PLANNING DIRECTOR'S REPORT:

1. The Board of Supervisors approved the rezoning docket that you sent to them last month.
2. June's dockets include a Special Use Authorization request for a digital sign in Elfrida and a special use for small engine repair near SV.

3. The Medical Marijuana docket has been appealed to the Board, and will be heard on May 19th at their regular meeting.
4. Ms. Wilson announced her retirement from the County, effective June 5.

CALL TO COMMISSIONERS ON RECENT MATTERS: The Commission voted unanimously to recognize Ms. Wilson's service to the County and the Commission.

ADJOURNMENT – Ms. Edie moved to adjourn, Mr. Martzke seconded, and the meeting was adjourned at 5:58 pm.