

**COCHISE COUNTY PLANNING & ZONING COMMISSION
FINAL MINUTES
June 10, 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 Vice-Chair Martzke at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Mr. Martzke 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 two Special Use Dockets and one Subdivision Tentative Plat Docket on the agenda. Mr. Martzke explained the consequences of a potential tie vote and the process for approval and appeal.

ROLL CALL

Mr. Martzke 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, Wayne Gregan, Liza Weissler, Tim Cervantes, and Pat Edie) indicated their presence. Staff members present included; Mary Gomez, Interim Planning Director; Britt Hanson, Chief Civil Deputy County Attorney; Peter Gardner, Planner I; Jesse Drake, Planner II; and Janet Smith, Secretary II.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the May 13, 2015 meeting. **Action:** Approve

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

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

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

No: 0

Abstain: Ms. Miller and Mr. Brauchla

CALL TO THE PUBLIC:

Ms. Mary McCool of J-6 spoke regarding connectivity to the forest, travel management efforts, and the Comprehensive Plan.

NEW BUSINESS

Item 1 PUBLIC HEARING Docket SU-15-08 (Long Horn Steakhouse): The Applicant is requesting a Special Use authorization to approve the replacement of an existing sign with an over-height digital sign on a GB-General Business zoned property per Section 1602.04 of the Zoning Regulations and Section 1907.02.B6 of the Sign regulations. The subject parcel is located at 10248 N. Highway 191, Elfrida, AZ. The Applicant is Gary Bennett.

Vice-Chair Martzke 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. Martzke then opened the Public Hearing. Mr. Gary Bennett of Elfrida, the Applicant, explained the request, and offered to take questions. There being no speakers in support or opposition, Mr. Martzke closed the Public Hearing and invited discussion. There being no further discussion, Mr. Martzke asked for Staff's recommendation. Ms. Drake recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Martzke called for a motion. Ms. Weissler made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Mr. Cervantes seconded the motion. A discussion between the Commissioners, Ms. Drake, Mr. Hanson, and Mr. Gardner regarding the brightness of the sign occurred, with concerns that Condition #3 would render the sign non-compliant as is. Ms. Edie commented that she had driven by the sign at night, and did not find it overly bright, especially compared to the gas station next door. Mr. Brauchla stated that he had driven by the sign on the way to the meeting, and stated that if he had not been looking for it, would likely not have noticed it. Mr. Gregan suggested permitting the sign to be on 9:00 am to 9:00 pm. Ms. Weissler asked about the gas station lighting hours. Staff stated that the lights were permitted to be on constantly. After Commission discussion, Ms. Weissler amended her motion to remove Condition #3, and Mr. Cervantes seconded the amendment. There being no further discussion, Mr. Martzke called for a vote. The motion passed 7-0.

Motion: Motioned to Approve the Docket with Conditions and Modifications recommended by Staff, removing Condition #3. **Action:** Conditional Approval with Modifications.

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

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

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

No: 0

Abstain: 0

Item 2 PUBLIC HEARING Docket SU-15-09 (Olmstead Repair Service):

The Applicant is requesting a Special Use Authorization per Section 607.31 of the Zoning Regulations, to approve a Small Engine Repair Shop at an RU-4, Rural zoned property. The subject parcel is located at 7779 E. Ramsey Road in Sierra Vista, AZ. The Applicant is Kevin Olmstead.

Vice-Chair Martzke 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. Martzke then opened the Public Hearing. The Applicant, Mr. Kevin Olmstead of Sierra Vista, spoke, explaining the background and rationale behind the request. Mr. Gregan asked if the Applicant was comfortable with the requirements from Fry Fire. Mr. Olmstead stated that he was. Mr. Martzke then asked for speakers.

Mr. Tony Saracino of Sierra Vista spoke, and had a number of questions for Staff regarding specifics of the request. At the direction of Vice Chair Martzke, Mr. Gardner directly answered Mr. Saracino's questions regarding scope of the operation, if full retail sales would be permitted, and how materials would be stored.

Ms. Kathryn Krueger spoke, noting that the current situation was acceptable, but expressed concerns about future operators, floodplain, and waste storage. She stated that a previous

neighbor on another property had illegally stored large amounts of waste oils, and had buried it on the property.

Mr. Jack Cook of Bisbee spoke regarding the proposal.

There being no further speakers, Mr. Martzke asked the Applicant to rebut. Mr. Olmstead addressed to waste issue, stating that he kept the oil in five gallon containers that were taken to be recycled every week. Mr. Martzke then closed the Public Hearing and invited discussion. There being no further discussion, Mr. Martzke asked for Staff's recommendation. Mr. Gardner recommended Conditional Approval with the requested Modifications. Ms. Weissler asked Mr. Hanson if the Authorization could be attached to the Applicant rather than the land. Mr. Hanson was unsure, and stated that he was unaware of any previous cases where this was done. Ms. Weissler asked Staff if an expansion or increase in retail sales would require a Modification to the Special Use. Mr. Gardner stated that this was correct. Mr. Martzke called for a motion. Mr. Gregan made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Mr. Brauchla seconded the motion and Mr. Martzke 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. Gregan **Seconded by:** Mr. Brauchla

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

Yes:

Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Gregan, Ms. Weissler, Mr. Cervantes, and Ms. Edie

No: 0

No: 0

Abstain: 0

Item 3 NOT A PUBLIC HEARING Docket S-12-01 (J-6 Tentative Plat). This request is for approval of a Conservation Subdivision J-6 Ranch, Lots 1-42, Block 1 and Common Areas A, B, and C Subdivision (herein known as J-6 Ranch Lots 1-42) Tentative Plat. The Developer is Easter Mountain Ranch LLC, represented by Mr. Stephan Lenihan. The proposed plat is located approximately three miles south of I-10 on J-6 Ranch Road.

Vice-Chair Martzke 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 also addressed the rezoning Condition relating to National Forest access. She closed by listing factors in favor for and against approval and invited questions from the Commission. Mr. Gregan asked for clarification regarding the access issue regarding location. Mr. Hanson explained that Staff and Federal Agencies feel like the access is not feasible. Ms. Weissler asked if letters of water adequacy are ever revisited. Ms. Drake noted that they are not. Mr. Martzke asked if the rezoning was in consideration for revocation based on the access condition. Mr. Hanson explained that the condition was due on plat submittal, and was being addressed at this point. There being no further discussion, Mr. Martzke asked the Applicant to make a statement.

Michael Baker from Tucson introduced himself as the project engineer and invited questions. Mr. Gregan asked if right of way had been offered. Mr. Baker stated that the Applicant felt that he had done so, but it was not accepted. He continued by stating that the Applicant felt that the access issue was due at Final Plat rather than Tentative Plat. Ms. Weissler asked if the proposed access dead ended at a roadless area. Mr. Baker stated that the Applicant felt that met the condition as worded. Mr. Gregan asked if there are current forest roads that would connect to the access proposed by Staff. Mr. Gregan and Ms. Miller discussed the intent of the condition.

Mathew Walton from AZ Game and Fish offered his agency's position on the access, noting that there is currently only one legal access to the forest. Mr. Walton noted that the Applicant's proposed access led to a federally mandated roadless area and encouraged full access to the forest. Mr. Gregan asked for clarification of an existing access, which Mr. Walton noted was not a legal access.

Mr. Hanson explained Staff's position that the proposed access was not tenable, and that the issue should not be pushed off until Final Plat.

Mr. Duane Bennett of the Forest Service spoke for his agency, clarifying again that the Applicant's proposed access led to a designated roadless area where new roads cannot be built there without presidential authorization. Mr. Gregan argued that the Applicant's proposal met the letter of the Condition. Ms. Miller argued that the Applicant was not providing access.

Mr. Brauchla made a motion to forward the docket to the Board of Supervisors with a recommendation of approval. Ms. Weissler seconded the motion and Mr. Martzke called for a vote. The motion failed 1-6, with Mr. Gregan voting in favor.

Motion: Motioned to Forward the Plat to the Board with a recommendation of Approval.

Action: Forward to the Board with a recommendation of Approval.

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

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

Yes: Mr. Gregan

No: Mr. Martzke, Ms. Miller, Mr. Brauchla, Ms. Weissler, Mr. Cervantes, and Ms. Edie

Abstain: 0

PLANNING DIRECTOR'S REPORT:

1. One June 1, 2015, Ms. Mary Gomez was appointed as Interim Planning Director. Ms. Gomez is also the Director of Cochise Health and Social Services and will serve in this new role until a permanent Director is brought on board.
2. July's agenda includes a 333 acre rezoning near Willcox Special Uses for another 20 megawatt solar plant and a contract construction facility, and a modification to a Special Use for an expansion of a Residential Care Institution.
3. On May 19th, the Board of Supervisors adopted the new Comprehensive Plan, and overturned your decision on the Medical Marijuana Special Use Authorization for the Crisantes Family.

CALL TO COMMISSIONERS ON RECENT MATTERS:

Ms. Weissler and Mr. Cervantes stated that they would be absent at the July meeting.

ADJOURNMENT – Ms. Edie moved to adjourn, Mr. Martzke seconded, and the meeting was adjourned at 5:35 pm.