

**COCHISE COUNTY PLANNING & ZONING COMMISSION**  
**FINAL MINUTES**  
**June 11, 2014**  
**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 Weissler at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room.

Chair Weissler 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. She explained the time allotted to speakers when at the podium. She then explained the composition of the Commission, and indicated there one Subdivision Tentative Plat Extension, two Special Use Dockets, one Special Use Modification Docket, one Rezoning Docket, and one Regulation Docket were on the agenda. She explained the consequences of a potential tie vote and the process for approval and appeal.

**ROLL CALL**

Ms. Weissler noted the presence of a quorum and the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; five Commissioners (Tim Cervantes, Jim Lynch, Carmen Miller, Gary Brauchla, and Liza Weissler) indicated their presence. Staff members present included Beverly Wilson, Planning Director; Adam Ambrose, Civil Deputy County Attorney, Peter Gardner, Planner I, and Sarah Meggison, Intern Planner.

**APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes of the May 14, 2014 meeting with one typographical correction.

**Action:** Approve with correction. **Moved by:** Ms. Weissler **Seconded by:** Mr. Lynch

**Vote:** Motion passed (**Summary:** Yes = 4, No = 0, Abstain = 1)

**Yes:** Mr. Lynch, Mr. Cervantes, Ms. Miller, and Ms. Weissler **No:** 0 **Abstain:** Mr. Brauchla

**CALL TO THE PUBLIC:**

Ms. Tricia Gerrodette of Sierra Vista spoke regarding a Tentative Plat Extension, urging the Commission to enforce new State water regulations.

Mr. Russell Williams of Saint David spoke regarding a helipad in Saint David, and urged the Commission to overturn a Staff decision regarding the helipad.

Ms. Anna Lands of Cascabel spoke regarding the helipad in Saint David and urged the Commission to close the operation.

Mr. Jack Cook of Bisbee spoke of various matters.

**NEW BUSINESS**

**Item 1**

## **NOT A PUBLIC HEARING**

**Docket –S-08-02 (Red Hawk III Subdivision, Unit IV):** A request for an additional one-year time extension for the Red Hawk 3, Unit IV Subdivision Tentative Plat. The subdivision is comprised of 99 lots on 310-acres located two miles south of Interstate 10, west of Benson at the Pima County line. The Tentative Plat was approved by the Board of Supervisors on March 24, 2009. The Developer is Thunder Ranch Estates Unit IV, LLC, represented by Jim Vermilyea.

Chair Weissler called for the Planning Director's report. Planning Director Beverly Wilson presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. She explained Staff's analysis of the request and invited questions from the Commission. Ms. Weissler asked about the status of the previous phases of the subdivision. Ms. Wilson explained that the first phase was complete, and the second was in process of being completed. Ms. Weissler asked for clarification of water adequacy, and Ms. Wilson explained that such proof was required at Final Plat approval.

There being no further discussion, Ms. Weissler asked for Staff's recommendation. Ms. Wilson recommended Conditional Approval. Ms. Weissler called for a motion. Mr. Lynch made a motion to extend the Tentative Plat for one year, with the Conditions recommended by Staff. Mr. Brauchla seconded the motion and Ms. Weissler asked for discussion. Ms. Weissler expressed concern regarding the water adequacy and then called for a vote. The motion passed 3-2, with Ms. Weissler and Ms. Miller opposed.

**Motion:** Motioned to extend the Tentative Plat for one year, with the Conditions currently existing. **Action:** Extend with Conditions **Moved by:** Mr. Lynch **Seconded by:** Mr. Brauchla  
**Vote:** Motion passed (**Summary:** Yes = 3, No = 2, Abstain = 0)  
**Yes:** Mr. Lynch, Mr. Cervantes, and Mr. Brauchla  
**No:** Ms. Weissler and Ms. Miller  
**Abstain:** 0

## **Item 2**

### **PUBLIC HEARING**

**Docket SU-14-09 (Bojorquez):** A request for a Special Use authorization to add a Recycling Center and Tire Repair Service to an existing Retail Store. The subject parcel is located at 14393 S. Highway 191, in Elfrida. The Applicant is Benjamin Bojorquez.

Chair Weissler 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. He explained the support from neighbors and the requested Modifications. 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.

Ms. Weissler invited the Applicant to make a statement.

Mr. Benjamin Bojorquez indicated his presence, and declined to make a statement.

Ms. Weissler then opened the Public Hearing.

There being no one interested in speaking and no need for the Applicant to rebut, Ms. Weissler closed the Public Hearing. Ms. Weissler then asked for discussion from the Commission. Mr. Brauchla asked where junked vehicles would be stored. Mr. Gardner clarified that no vehicles would be handled; as such the use would be a junkyard. There being no further discussion, Ms. Weissler then called for the Planning Director's summary and recommendation. Mr. Gardner recommended Conditional Approval and explained the Conditions recommended by Staff. Ms. Weissler called for a motion. Mr. Brauchla made a motion for Approval of the Special Use with Conditions and Modifications given by Staff. Mr. Cervantes seconded the motion and Ms. Weissler asked for discussion. Ms. Weissler then called for a vote. The motion passed 5-0.

**Motion:** Motioned to grant the Special Use with the Conditions and Modifications as recommended by Staff. **Action:** Approve with Conditions and Modifications **Moved by:** Mr. Brauchla **Seconded by:** Mr. Cervantes **Vote:** Motion passed (**Summary:** Yes = 5, No = 0, Abstain = 0) **Yes:** Mr. Lynch, Mr. Cervantes, Ms. Miller, Mr. Brauchla and Ms. Weissler **No:** 0 **Abstain:** 0

### Item 3

#### **PUBLIC HEARING**

**Docket Z-14-06 (Ryan):** A request to rezone a 3.7-acre property from RU-4 (Rural; one dwelling per 4-acres) to RU-2 (Rural; one dwelling per 2-acres) to establish a dwelling on the non-conforming parcel regarding the minimum lot size required to establish a dwelling in the RU-4 zoning districts. The undeveloped subject parcel is located along E. Ramsey Rd. approximately 1.5-miles east of unincorporated Benson. The Applicant is Ken Ryan.

Chair Weissler called for the Planning Director's report. Planning Director Beverly Wilson presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. She explained Staff's analysis of the request and closed by listing factors in favor of and against approval and invited questions from the Commission.

Ms. Weissler invited the Applicant to make a statement.

Mr. Ken Ryan indicated his presence, and declined to make a statement.

Ms. Weissler then opened the Public Hearing. There being no one interested in speaking and no need for the Applicant to rebut, Ms. Weissler closed the Public Hearing. Ms. Weissler then asked for discussion from the Commission. There being none, Ms. Weissler then called for the Planning Director's summary and recommendation. Ms. Wilson recommended Conditional Approval and explained the Conditions recommended by Staff. Ms. Weissler called for a motion. Mr. Cervantes made a motion to forward the request to the Board of Supervisors with a recommendation of Conditional Approval with Conditions given by Staff. Mr. Lynch seconded the motion and Ms. Weissler asked for discussion. Ms. Weissler then called for a vote. The motion passed 5-0.

**Motion:** Motioned to forward the request to the Board of Supervisors with a recommendation of Conditional Approval with the Conditions recommended by Staff. **Action:** Forward with recommendation of Conditional Approval **Moved by:** Mr. Cervantes **Seconded by:** Mr. Lynch **Vote:** Motion passed (**Summary:** Yes = 5, No = 0, Abstain = 0) **Yes:** Mr. Lynch, Mr. Cervantes, Ms. Miller, Mr. Brauchla and Ms. Weissler **No:** 0 **Abstain:** 0

#### Item 4

#### **PUBLIC HEARING**

**Docket SU-14-07 (Klumb):** A request for a Special Use authorization to replace an existing conventional sign with a digital sign reflecting fuel prices. This proposal is considered a Special Use as the proposed sign exceeds the light output caps defined in the Cochise County Light Pollution Code. The subject parcel is located at 2521 W. Business I-10 in San Simon. The Applicant is Raymond Klumb on behalf of Petroleum Wholesale LP.

Chair Weissler 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. He explained the support and opposition from citizens' groups. 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. Ms. Miller asked why the Applicant was not replacing the sign with a compliant sign. Mr. Gardner deferred to the Applicant.

Ms. Weissler invited the Applicant to make a statement.

Mr. Ray Klumb of Cochise spoke as the Applicant's agent. He explained that as the sign was an improvement over the existing sign, the Applicants did not see an issue. Mr. Klumb stated that the sign would comply with the new brightness requirements in the proposed Light Pollution Code.

Ms. Weissler then opened the Public Hearing.

Ms. Anna Lands of Cascabel spoke urging the Commission to delay considering this docket until the light pollution code updates were resolved and urged denial.

Mr. Adam Ambrose noted that the sign must be considered under the code in effect when the application was filed, and the proposed changes could not be applied to the current proposal.

There being no one else interested in speaking, Ms. Weissler asked the Applicant to rebut. Mr. Klumb noted that the proposed sign will emit fewer unshielded lumens than permitted on the site. Ms. Weissler closed the Public Hearing. Ms. Weissler then asked for the Planning Director's summary and recommendation. Mr. Gardner recommended Conditional Approval and explained the Conditions recommended by Staff. Ms. Weissler called for a motion. Mr. Lynch asked if the sign was being proposed along the Interstate and did not advertise for on-site goods or services then the sign would not be authorized. Mr. Gardner explained that this was correct, but the State regulations did not apply to this sign as an on-site advertising sign. Mr. Lynch made a motion for Approval of the Special Use with Conditions given by Staff. Ms.

Miller seconded the motion and Ms. Weissler asked for discussion. Ms. Weissler then called for a vote. The motion passed 5-0.

**Motion:** Motioned to Approve the Special Use request with the Conditions and Modifications as recommended by Staff. **Action:** Approve with Conditions and Modifications **Moved by:** Mr. Lynch **Seconded by:** Ms. Miller **Vote:** Motion passed (**Summary:** Yes = 5, No = 0, Abstain = 0) **Yes:** Mr. Lynch, Mr. Cervantes, Ms. Miller, Mr. Brauchla and Ms. Weissler **No:** 0 **Abstain:** 0

### Item 5

#### **PUBLIC HEARING**

**Docket SU-11-10A (Graybill):** A request for a Special Use Modification authorization to include a Recreational Vehicle Park (to serve 3-4 RVs), an Animal Exhibit and Educational Services. A Special Use Permit was approved in 2011 for Outdoor Recreation. The subject parcel is located at 30 W. Ivey Rd at the corner of SR90 and north of Huachuca City in the Whetstone area. The Applicants are Donna and Wesley Graybill.

Chair Weissler called for the Planning Director's report. Planning Director Beverly Wilson presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. She explained the support and opposition from neighbors, and explained Staff's analysis of the request including the requested Modifications. She closed by listing factors in favor of and against approval and invited questions from the Commission.

Ms. Weissler invited the Applicant to make a statement.

Ms. Donna Greybill of Huachuca City spoke. Ms. Greybill explained her background with the site and explained the details of the request for the Recreational Vehicles. She also explained the issues regarding the fears of an animal rescue on the site. Ms. Greybill also emphasized that the hours would be limited within the proposed hours.

Mr. Lynch asked for clarification about if the RVs would be supplied services. Ms. Greybill explained that it would depend on length of stay. Mr. Lynch expressed concern about noise from generators. Ms. Greybill explained the precautions that would be taken. Mr. Cervantes asked how many animals were on site, and Ms. Greybill provided a list. Mr. Cervantes also asked for details regarding the code on RV's, which Staff provided.

Ms. Weissler then opened the Public Hearing.

Ms. Karen Reid of Huachuca City spoke in favor. Ms. Reid emphasized the value of the skills taught on the site.

Ms. Amanda Root of Sierra Vista spoke in favor. Ms. Root emphasized the educational and social possibilities of the use

Ms. Lisa Mossman of Huachuca City spoke in favor. Ms. Mossman explained her late son's enjoyment of the farm, and emphasized the opportunities for children.

Mr. Thomas Alinen of Huachuca City spoke in opposition. Mr. Alinen expounded on the background of the farm. He stated he had an issue with the RV Park as proposed and expressed concern about future expansion of such a use. He stated he had no issue with the petting farm, but did express concern about the release of feral cats. Mr. Alinen did express support for the Greybill's stewardship of water on the site.

Ms. Lucinda Earven of Huachuca City spoke in opposition. Ms. Earven expressed support for the agricultural uses, and concern regarding the release of feral cats on the site. She expressed opposition to the possibility of an animal rescue and to an RV park on the grounds of possible expansion.

Ms. Ann Aust of Huachuca City spoke in opposition. Ms. Aust expressed support for the agricultural and educational programs, but expressed opposition to the RVs, echoing previous speakers' concerns. She also expressed concern regarding losing parking to the RVs.

There being no one else interested in speaking, Ms. Weissler asked the Applicant to rebut. Ms. Greybill addressed the speakers' concerns. She explained why they wanted to have the RVs on site, noting that trades of space for labor were used. Ms. Weissler asked Ms. Greybill if there were plans to release more cats in the future. Ms. Greybill stated that it would only be done to replace the existing cats.

Ms. Weissler closed the Public Hearing and asked for discussion from the Commission. Ms. Weissler asked for clarification about the details of the RV Park and adding more RVs. Ms. Wilson explained that Staff was recommending a limit of a total of four RVs at any time. Mr. Lynch suggested a limit of three. Ms. Wilson recommended Conditional Approval and explained the Conditions recommended by Staff. Mr. Lynch stated that he felt the issue of animal release was an animal control issue rather than a land use issue for the Commission, and Ms. Weissler concurred. The Commission called for more specific detail regarding the definition of an RV park, which was provided by Staff. Ms. Weissler called for a motion. Mr. Lynch made a motion for Approval of the Special Use Modification with Conditions and Modifications given by Staff with the exception of the RV Park. Mr. Cervantes seconded the motion and Ms. Weissler asked for discussion. Ms. Weissler then called for a vote. The motion passed 5-0.

**Motion:** Motioned to Approve the Special Use Modification request with the Conditions and Modifications as recommended by Staff with the exception of the RV Park. **Action:** Approve with Conditions and Modifications except for the RV Park **Moved by:** Mr. Lynch **Seconded by:** Mr. Cervantes **Vote:** Motion passed (**Summary:** Yes = 5, No = 0, Abstain = 0) **Yes:** Mr. Lynch, Mr. Cervantes, Ms. Miller, Mr. Brauchla and Ms. Weissler **No:** 0 **Abstain:** 0

### Item 6

#### **PUBLIC HEARING**

**Docket R-14-04 (Cochise County Light Pollution Code and Zoning Regulations):** A public hearing to consider and act upon proposed amendments to the County's Light Pollution Code and Zoning Regulations. Proposed revisions are to the 2014 version of the Cochise County

Zoning Regulations and the 2005 version of the Light Pollution Code. The overall intent of the proposed revisions is to ensure current and future light and sign technologies are covered under the Light Pollution Code and Zoning Regulations.

Chair Weissler called for the Planning Director's report. Planning Director Beverly Wilson presented the Docket, explaining the background of the request and the basis for the proposed changes. Ms. Miller asked if only the proposed changes were to be addressed or if other changes could be proposed. She also expressed concern that her district was not well represented in the survey results.

Ms. Weissler then opened the Public Hearing.

Mr. Robert Gent of Sierra Vista spoke in support of the proposed changes. Mr. Gent explained his background in astronomy and emphasized the contributions of astronomy to the local economy. Mr. Gent also expressed concern about color temperature of lighting.

Mr. Ray Klumb of Cochise spoke in support of the code. He recommended drawing from an existing model ordinance and suggested an overlay approach to controlling lighting. He also expressed concern that some of the limits were too restrictive.

Ms. Anna Lands of Cascabel spoke and asked the Commission to table the docket, stating that she felt there was inadequate public input.

There being no other members of the public interested in speaking, Ms. Weissler closed the Public Hearing. Ms. Weissler then asked for discussion from the Commission, and suggested going over the proposed changes. Discussion of adding definitions occurred among the Commission. Mr. Lynch suggested holding work sessions. Ms. Weissler reminded the Commission such work sessions had been held, and only Mr. Lynch had attended. Ms. Weissler then called for the Planning Director's summary and recommendation. Ms. Wilson recommended forwarding the docket to the Board of Supervisors with a recommendation of Approval. Ms. Weissler called for a motion. Mr. Lynch made a motion to table the docket to the next meeting and schedule a work session. Ms. Miller seconded the motion and Ms. Weissler asked for discussion. Ms. Weissler then called for a vote. The motion passed 5-0.

**Motion:** Motioned to Table the request to the next meeting and schedule a work session prior to that date. **Action:** Table and schedule work session **Moved by:** Mr. Lynch **Seconded by:** Ms. Miller **Vote:** Motion passed (**Summary:** Yes = 5, No = 0, Abstain = 0) **Yes:** Mr. Lynch, Mr. Cervantes, Ms. Miller, Mr. Brauchla and Ms. Weissler **No:** 0 **Abstain:** 0

### Item 7

#### **PLANNING DIRECTOR'S REPORT:**

Planning Director, Beverly Wilson offered the Director's Report, informing the Commission that there would be one Master Development Plan for the next meeting.

**CALL TO COMMISSIONERS ON RECENT MATTERS:**

None.

**ADJOURNMENT** – Chair Weissler called for a motion to adjourn: Mr. Lynch moved, Ms. Weissler seconded and the meeting was adjourned at 6:48p.m.