COCHISE COUNTY PLANNING & ZONING COMMISSION
DRAFT MINUTES
September 9, 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. 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 Special Use Authorization Docket and two Rezoning Dockets 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; eight Commissioners (Jim Martzke, Carmen Miller, Gary Brauchla, Patrick Greene, Wayne Gregan, Tim Cervantes, Liza Weissler, and Nathan Watkins,) indicated their presence. Staff members present included; Mary Gomez, Interim Planning Director; Jesse Drake, Planning Manager; Peter Gardner, Planner I; Jim Henry, Planner I; Karen Lamberton, Transportation Planner; and Britt Hansen, Chief Civil Deputy County Attorney.

APPROVAL OF THE MINUTES

Motion: Approve the minutes of the August 12, 2015 meeting. **Action:** Approve

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

Vote: Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 2)

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

CALL TO THE PUBLIC: Mr. Jack Cook of Bisbee spoke on various matters.

NEW BUSINESS

Item 1 **PUBLIC HEARING Docket SU-14-14 (Parker):**

A request for a Special Use Authorization to approve a large engine repair shop in a General Business (GB) zoning district at 2518 W Business I 10 in San Simon, AZ. The applicant is Larry Parker. 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. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Greene then opened the Public Hearing. Mr. Dusty Pearce, the Applicant's representative, explained the request, and how the business serves the agricultural community. He explained the Applicant's intentions regarding containing spillage and how outdoor activities would be contained.

There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. Ms. Miller stated that she felt the Applicant's proposal for dealing with the oil was appropriate, and Staff's recommendation could be an excessive expense and asked if it could be deferred. Ms. Drake stated that there was no effective way to defer the paving requested by Staff. Mr. Brauchla asked about the paving at the existing site. Mr. Henry explained the existing conditions at the current site, and Staff's rationale for the requested paving requirement. Ms. Lamberton further explained that it adequate methods of oil capture existed then the paving could be waived, but there were other economic factors that could influence the decision. Mr. Watkins asked about the size of the access area. Ms. Lamberton stated that it was substantial, but until ADOT settled on a precise access point from their right of way, the precise area was unknown. Mr. Greene asked for clarification on what constituted an "equivalent or better surface". Ms. Lamberton offered concrete or stabilized dirt as examples. Mr. Gregan asked Mr. Pearce if the fenced area shown on the site plan would be the entire operation site. Mr. Pearce stated that was indeed the case. Mr. Gregan asked for information regarding the paving. Mr. Pearce stated that the paving would be too expensive, and if forced to do so, the Applicant would close his business, and reiterated their plans to deal with oil and other potential spillage. Mr. Greene asked if the gravel was feasible. Mr. Pearce stated that it was. There being no further discussion, Mr. Greene asked for Staff's recommendation. Mr. Henry recommended Conditional. Mr. Greene called for a motion. Ms. Miller made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff removing Condition #4. Mr. Watkins seconded the motion. There being no further discussion, Mr. Greene called for a vote on the motion. The motion passed 7-1, with Mr. Gregan opposing.

Motion: Motioned to Approve the Docket with the Conditions and Modifications recommended by Staff, removing Condition #4
Moved by: Ms .Miller **Seconded by:** Mr. Watkins
Vote: Motion passed (**Summary:** Yes = 7, No =1, Abstain = 0)
Yes: Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Greene, Mr. Cervantes, Ms. Weissler, and Mr. Watkins
No: Mr. Gregan
Abstain: 0

Item 2 **PUBLIC HEARING Docket Z-15-06 (Hidalgo):**

A request to rezone a .41-acre parcel from R-9 (Residential; one dwelling per 9,000-square feet) to MR-1 (Multiple Dwelling Residential; one dwelling per 3,600 ft) located at the NW corner of the intersection of W Newell St. and S. Quetal Ave. in Naco, AZ. The Applicant is Raul Hidalgo.

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. 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, Mr. Raul Hidalgo of Naco, spoke, explaining the background and nature of the request.

There being no speakers, Mr. Greene closed the Public Hearing and invited discussion. Mr. Greene then asked Mr. Hidalgo if the shed was portable or affixed. Mr. Hidalgo stated that the shed was affixed to a slab. Mr. Watkins noted that the property was "trapped" by the zoning that was adopted after the property was developed.

There being no further discussion, Mr. Greene asked for Staff's recommendation. Mr. Henry then recommended Conditional Approval with the requested Modifications. Mr. Greene called for a motion. Mr. Martzke made a motion to forward the Docket to the Board of Supervisors with a recommendation of Conditional Approval, with the Conditions and Modifications recommended by Staff. Mr. Watkins seconded the motion. Mr. Greene called for a vote. The motion Passed 8-0.

Motion: Motioned to forward the Docket to the Board of Supervisors with a recommendation of Conditional Approval with Conditions and Modifications recommended by Staff. **Action:** Recommend Conditional Approval with Modifications.
Moved by: Mr. Martzke **Seconded by:** Mr. Watkins **Vote:** Motion passed (**Summary:** Yes =8, No =0, Abstain = 0)
Yes: Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Greene, Mr. Gregan, Mr. Cervantes, Ms. Weissler, and Mr. Watkins

No: 0
Abstain: 0

Item 3 **PUBLIC HEARING Docket Z-15-07 (Kartchner):**

A request for a rezoning from RU-4 (Rural; one dwelling per four acres) to RU-2 (Rural, one dwelling per two acres) on a 621.11 acre parcel. The current zoning would allow the development of a 155-lot standard subdivision or a 208-lot conservation subdivision; the requested zoning would allow 310-lot standard subdivision or a 416-lot conservation subdivision. The Applicant is requesting the rezoning in order to submit an application for a Residential Conservation Subdivision of 295 one-acre lots with fifty percent open space along the San Pedro River located on Cascabel Road approximately 2.5 miles north of Interstate 10 in Benson, AZ. The Applicant is Mark M. Kartchner.

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 explained concerns about traffic, density, and water, as well as public opposition. She closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Mark Kartchner of Tucson spoke, explaining the reasoning behind his request

Paul Oland with the WLB Group Spoke explained the details of Mr. Karchner's proposal. Mr. Oland provided an explanation and a rationalization as to why Mr. Karchner's proposal would succeed and why other subdivisions in the area have not. He noted that the proposal would decrease water usage compared to the current agricultural use on the site. At the end of his presentation, he invited questions.

Mr. Greene then opened the Public Hearing.

Ms. Tricia Gerrodette of Sierra Vista spoke and had concerns about the property to the west, north and east and the potential land uses that might occur if Mr. Kartchner's request were to be granted. Additionally, she had concerns about Mr. Kartchners' proposal to cluster homes and their septic tanks on one acre lots so close to the river. She also had concerns about the potential amount of water that could be used. She supported the preservation of the San Pedro including the Mesquite Bosque along the river, but mentioned that it could not be built on anyways, because it is in flood plain. She suggested a "sliding scale" approach and stated that developers should not be given conservation credit for land that is not buildable. She also mentioned that she felt the proposal went against the County's commitment to protect the San Pedro and stated that she did not understand the reasoning behind Mr. Kartchner's request to change the zoning to allow for additional density. Finally, she asked the commission to "just say no".

Ms. Cindy Allen of Pomerene spoke in opposition, noting that she lived in the middle of the proposed area. She expressed concern about the density, traffic on Cascabel Road, and impacts on the rural lifestyle in the area.

Mr. Victor Malecki of Pomerene spoke in opposition, expressing concern about the condition of Cascabel Road, and safety created by blind spots and sharp turns. He also expressed concern regarding the water issue, rural lifestyle, and property taxes.

Mr. Joe Pones of Pomerene spoke in opposition, expressing concern about the density. He asked about how the proposed open space would be protected.

Ms. Anna Lands of Cascabel spoke in opposition, citing the Tres Alamos plan, noting that the plan encourages large lot sizes. She noted that wildlife corridors and the riparian could be negatively impacted by the proposal. Ms. Lands also expressed concern about flooding during heavy rains.

There being no further speakers in support or opposition, Mr. Greene invited the Applicant to rebut. Mr. Oland addressed the traffic and density concerns. He stated that the plan would preclude reaching the point where conflicts would occur, and that a traffic study would be done at tentative plat. He also stated that the increase in density was only a thirty percent increase.

Mr. Greene then closed the Public Hearing and invited discussion. Mr. Watkins asked the applicant about the details of the conservation plan, but withdrew the question after Ms. Weissler questioned the appropriateness and Mr. Hansen stated it could not be asked. Mr. Gregan noted that there was a balancing act between development and conservation, and questioned why the rezoning was necessary. He expressed concern about the request

degrading the existing rural character. Mr. Oland defended the request by explaining that the land to be developed was already in use for agriculture and disturbed. Mr. Gregan asked if it was a financial decision, and Mr. Oland stated that it was, as infrastructure improvements would be required, and it was easier to pay for with more lots.

There being no further discussion, Mr. Greene asked for Staff's recommendation. Ms. Drake recommended Conditional Approval, noting that there was not a Condition limiting the number of homes to what was currently proposed by the Applicant. Mr. Greene called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions recommended by Staff. Mr. Cervantes seconded the motion. Ms. Weissler expressed a feeling that the change in density was not warranted, and that one-acre lots were not low-density in the area. Mr. Cervantes expressed concern about the water, density, traffic, and septic systems. Mr. Gregan expressed support for conserving the river, but stated that the proposal was in conflict with the area plan. Mr. Greene asked if going from one acre lots to two-acre lots was a make or break issue. Mr. Kartchner stated that it was, that two-acre lots would not permit the project to move forward. Mr. Watkins suggested the Applicant sell development rights of a portion of the property to a conservation group to improve the financial prospects. There being no further discussion, Mr. Greene called for a vote. The motion failed 0-8.

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. Martzke **Seconded by:** Ms. Cervantes
Vote: Motion failed (**Summary:** Yes = 0, No =0, Abstain = 8)
Yes: 0
No: Mr. Martzke, Ms. Miller, Mr. Brauchla, Mr. Greene, Mr. Gregan, Mr. Cervantes, Ms. Weissler, and Mr. Watkins
Abstain: 0

PLANNING DIRECTOR'S REPORT:

Next P&Z Commission meeting
September 9, 2015

a. SU-15-16 (Murphy) Manufacturing in Fry

CALL TO COMMISSIONERS ON RECENT MATTERS:

ADJOURNMENT – Mr. Watkins moved to adjourn, Mr. Cervantes seconded, and the meeting was adjourned at 6:22 pm.