

**COCHISE COUNTY PLANNING & ZONING COMMISSION
MINUTES**

Wednesday, November 10, 2010

The regular meeting of the Cochise County Planning & Zoning Commission was called to order at 4:00 p.m. by Chair Basnar at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors Board Room.

Chair Basnar explained the Rio Mesa docket will be moved to the beginning of the meeting.

ROLL CALL

Roll Call.

Present: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.

Absent/Excused: Cruz Silva.

Chair Basnar noted the presence of a quorum. He then introduced the Commissioners to the public. Chair Basnar then explained to the audience the procedures for considering a docket.

APPROVAL OF THE MINUTES

Chair Basnar asked for a motion to approve the minutes of the October 13, 2010 regular meeting. **Motion:** Approve the minutes as mailed., **Action:** Adjourn, **Moved by** Jim Martzke, **Seconded by** Pat Edie.

Vote: Motion passed (**summary:** Yes = 6, No = 0, Abstain = 2).

Yes: Jim Martzke, Duane Brofer, Lee Basnar, Pat Edie, Jim Lynch, Gary Brauchla.

Abstain: Rusty Harguess, Ron Bemis.

CALL TO THE PUBLIC

Chair Basnar opened the meeting to the public, being there was no one who wished to speak; Chair Basnar closed the "Call to the Public"

Item 1

Docket S-07-01: Planner Keith Dennis presented a request for approval of an additional one-year extension for the Rio Mesa Subdivision tentative plat. Mr. Dennis stated that due to the state of the economy the final plat was not brought to the Board of Supervisors. The development was sold to a new owner that is requesting an extension.

Mr. Peter Selunga stated that he had nothing to add to Mr. Dennis' presentation.

Motion: Conditionally approve the extension for S-07-01, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.

Item 2

Commissioner Lynch recused himself from the docket as he owns property in the area. Mr. Lynch removed himself from the bench.

Docket SU-09-08A: Planner Keith Dennis stated the Applicant, Elder Care for Life, currently operates a Residential Care Institution on the property, as allowed by Special Use pursuant to Section 707.06 of the Zoning Regulations. The Planning and Zoning Commission authorized the Special Use in March of 2009, with approval conditions requiring the Applicant to direct associated traffic to use Calle de Naranja, a County-maintained road west of the property. Specifically, the condition required the Applicant to:

- A. Require all traffic accessing the site to use the Calle de Naranja route;
- B. Post a sign at the property line along Labrador Lane, instructing visitors to use the Calle de Naranja route; and
- C. Inform employees, delivery drivers, and residents' family members in writing to access the site through the Calle de Naranja route.

He further stated the Applicant now seeks a Special Use Modification, to have these approval conditions removed from the Special Use and allow traffic to access Calle de Mango, a County-maintained road east of the property.

Mr. Dennis presented maps and photos of the subject parcel (Parcel # 104-02-006F) which is located at 5605 E Labrador Lane in Hereford, AZ. He presented factors in favor And against, stating staff received letters from Emergency services and 1 neighbor in support., and 32 letters in opposition.

Commissioner Bemis asked what causes the delay using Calle De La Naranja.

Mike McKearney from the Fry Fire District, stated the delay using Calle de Le Naranja is that only part of the road is County-maintained, and so the other part is not on their maps, causing a delay.

Commissioner Brofer asked staff if emergency traffic can use Labrador Lane.

Karen Lamberton explained the Calle De La Naranja is considered by the County as a primitive road, therefore does not appear on County maps as a maintained road.

Scott Wolfe, Board of Directors for Elder Care for Life, stated he was the one who had been maintaining Labrador Lane, and has seen the problems related to access on Labrador Lane. Mr. Wolfe stated they are requesting conditions to use Calle De La Naranja only.

Chair Basnar opened the meeting the public.

Duane Bennett stated his mother is a resident of Windmill Ranch, and he stated he is concerned about her well being since emergency services can not access the property except from one access point.

Robert Stachel, Attorney for the applicant, stated the easement was created in 1985 in the wrong place, however it was corrected in 19904. He further stated this is a public safety issue, however not all of the issue. The residents have friends and family that need to be able to visit for the well being of the residents.

Kenneth Sampson stated the easement is a private easement and should not be used by the visitors to the Residential care home.

Chester Lemanski stated they purchased their property last year and feels the owners should improve Calle De La Naranja and not use Calle De La Mango.

Gerry Kummer stated he put up the gates because the easement is a private easement and should not be used by anyone except the residents on Labrador lane.

Lisa Carroll stated the easement doesn't go past the Kummer's property; therefore there is no need for anyone to pass on that road.

Monica Vandivort stated she is on the Board of Director's for Elder Care. She Further addressed residents' concerns.

Robert Stachel stated it would be easier for the emergency services, and visitors to use Calle De La Mango due to flooding issues, and safety issues.

Commissioner Brauchla asked how wide the easement is.

Mr. Stachel stated the easement is 24' wide.

Chair Basnar closed the meeting to the public.

Mr. Dennis stated staff recommends approval of the modification to the Special Use request.

Commissioner Harguess asked County Attorney Britt Hansen about the dispute on the easement.

Mr. Hansen stated the dispute has no effect on the Commission.

Commissioner Basnar stated he feels the original conditions should stay in place.

Commissioners Martzke, Harguess, Brofer and Bemis concurred.

Chair Basnar asked for a motion.

Motion: motion to approve the modification to SU-09-08A, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Rusty Harguess.

Vote: Motion failed (**summary:** Yes = 0, No = 8, Abstain = 0).

No: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.

Item 3

Docket S-10-02: Planner Keith Dennis presented the docket for Copper Hills a proposed 67-lot Conservation Subdivision, located northwest of the intersection of S.R. 92 with Rio Vista Road, West of Bisbee. Mr. Dennis presented a map showing the subdivision, and explained the density of the proposal. He further stated staff recommends approval of the final plat, with the conditions stated by staff.

Alan Thom stated they have worked hard and are not asking for any variances, and have met the mandates of ADOT.

Mr. Bemis asked where the conservation areas were located.

Mr. Thom explained they are located outside all the lot envelope area.

Mr. Dennis stated staff recommends forwarding a recommendation of approval to the board of Supervisors.

Chair Basnar asked for a motion.

Motion: Motion to forward a recommendation fo approval to the Board of Supervisors., **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** Jim Martzke.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 8).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.

Item 4

Northwest Cochise County Long Range Transportation Plan: The County Transportation Planner, Karen Lamberton provided the Commission with a short briefing on growth projections and potential roadway network for the northwest area based on a recently completed Northwest Area Transportation Plan.

Chair Basnar asked about if the financing figures in inflation.

Ms. Lamberton stated there is a 4 percent inflation figured in.

Bob Iannarino stated they want to go on record as having concerns about the recommended illustrative.

Commissioner Martzke asked why the map shows the curve on I-10, as it is being removed.

PLANNING DIRECTOR'S REPORT

1. Next Month's Dockets will include two Special Use dockets and the Hazard Abatement Ordinance.
2. Interim Planning Director Jim Vlahovich stated we are still looking for a Planning director. He also introduced Carlos De La Torre as the new Community Development Director.

CALL TO COMMISSIONERS

ADJOURNMENT

Motion: Adjourn, Action: Adjourn, Moved by Jim Martzke, Seconded by Ron Bemis.

Vote: Motion carried by unanimous roll call vote (summary: Yes = 8).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Lee Basnar, Pat Edie, Jim Lynch, Ron Bemis, Gary Brauchla.