

COCHISE COUNTY PLANNING & ZONING COMMISSION MINUTES

Meeting of Wednesday, March 9, 2011

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

ROLL CALL

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

Roll Call

Present: Jim Martzke, Duane Brofer, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams.

Absent/Excused: Rusty Harguess, Cruz Silva, Pat Edie.

APPROVAL OF THE MINUTES

Motion made by Commissioner Brofer to approve the minutes from the February 9, 2011 meeting. **Motion:** Approve the minutes from the February 9, 2011 meeting, **Action:** Approve, **Moved by** Duane Brofer, **Seconded by** Gary Brauchla. **Vote:** Motion passed (**summary:** Yes = 5, No = 0, Abstain = 1). **Yes:** Duane Brofer, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams. **Abstain:** Jim Martzke.

Cruz Silva then entered the meeting.

CALL TO THE PUBLIC

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

Item 1

Docket SU-04-16A: Commissioner Brofer recused himself from the discussion as he lives in the PDS Subdivision. Planner Keith Dennis presented the docket for a Special Use Modification from the Planning and Zoning Commission. In 2004, the Commission authorized a Special Use (SU-04-16), allowing a property owners' association office on the property, per Section 906.12 of the Zoning Regulations (Civic, Social, Fraternal or Business Associations). The Commission approved at that time a 10-foot setback along the East side of the property.

The Applicants are requesting a modification to this standard, to allow a 2-foot setback for the administrative building, situated along the East side of the property. The subject parcel (105-93-028) is located at 4817 S Apache Avenue, near Sierra Vista, Arizona. Mr. Dennis presented photos and a site plan of the property showing the location of the administration building. He further explained the factors in favor and against, and explained staff had received letters in support and no letters opposed.

Chair Lynch asked for the Applicant's statement

Kathy Hoffard of the Pueblo Del Sol Property Owners' Association stated the building was placed in its current location because Fry Fire told them it could not be placed in the approved spot, they wanted it place in the current location. She further stated the property is owned by Fry Fire.

Chair Lynch opened the meeting to the public, being there was no one who wished to speak he closed the meeting to the public.

Mr. Dennis stated staff recommends approval with the conditions stated in the memo.

Motion: Motion to approve the Special Use Modification with the conditions stated by staff. Factors in favor findings of fact, **Action:** Approve, Moved by Jim Martzke, Seconded by Cruz Silva.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 6).

Yes: Jim Martzke, Cruz Silva, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams.

Commissioner Brofer had recused himself therefore did not vote.

Item 2

Docket SU-04-01A: Planner Keith Dennis presented the docket for a Special Use Modification from the Planning and Zoning Commission. An RV Park with 2 spaces exists on the property, with associated shooting range, equestrian facilities and proprietor's residence. The Applicants propose to expand the use with the addition of 12 new RV spaces with electrical, septic and water utilities for the spaces. A laundry facility is also proposed, as is a new entry feature. The subject parcel (Parcel No. 104-21-022) is located 919 W. SR 82 in Tombstone, AZ. Mr. Dennis presented maps and photos showing the location of the property and a site plan of the proposed RV spaces. He further explained the factors in favor and factors against the proposal. Mr. Dennis stated staff had received one letter in support and no letters opposed.

Mr. Bemis asked if there would be a sewer dump station.

Mr. Dennis stated they are proposing a new septic system.

Chair Lynch asked for the applicant's statement.

Doug Evans of Tombstone Livery, Applicant, stated the gravel surface had eroded and they had never had any complaints from their customers for the surface not being graveled. He further stated they keep the horses contained in secure stalls, and have never gotten loose.

Chair Lynch opened the meeting to the public, being there was no one who wished to speak, he closed the meeting to the public.

Chair Lynch asked if the Commission could waive the requirement for a cattle guard.

Karen Lamberton, County Transportation Planner, indicated that the State has a policy to require cattle guards under these circumstances, and that fulfilling the requirement is between the Applicant and the State.

Mr. Bemis asked if the County requires a cattle guard, does that put the liability on the County.

Britt Hansen, County Attorney, stated the County would not be liable.

Mr. Dennis stated recommends conditional approval, with the conditions stated in the staff report with the deletion of Condition 2 and the waiver requested by the applicant.

Motion: Motion to approve SU-04-01A with the Conditions stated by the staff, and the deletion of Condition 2, **Action:** Adjourn, **Moved by** Ron Bemis, **None seconded.**

Motion: Amend the motion to allow the waiver for the gravel surface, and the modification for the height limit on sign. **Action:** Amend, **Moved by** Ron Bemis, **Seconded by** Cruz Silva.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Jim Martzke, Duane Brofer, Cruz Silva, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams.

Item 3

Docket SU-11-02: Planner Keith Dennis presented the docket for a Special Use authorization from the Planning and Zoning Commission for Manufacturing in a General Business District, per Section 1205.01 of the Zoning Regulations. The Applicant proposes to utilize an existing 3,600 square-foot building on a 7,314 square-foot parcel as a welding and powder coating operation. The subject parcel (Parcel No. 106-70-103) is located 108 N. 6th Street in Sierra Vista, AZ. Mr. Dennis presented maps and photos showing the location of the property and a site plan of what has been proposed. Mr. Dennis explained factors in favor and factors against; he further stated staff had received 5 letters in support and no letters opposed.

Mr. Bemis asked if the application went before the fire marshal for approval.

Mr. Dennis stated they had addressed those issues in the Building Code review.

Chair Lynch asked for the Applicant's approval.

Steve Murphy of Arc Works Welding, Applicant, stated he has moved his business from 5th Street when the building he was located in was sold.

Mr. Abrams stated he knows the area and this is a good area for the proposal.

Chair Lynch opened the meeting to the Public, being there was no one who wished to speak he closed the meeting to the public.

Mr. Dennis stated staff is recommending conditional approval with the Conditions stated in the staff report. He further stated staff recommends approval of the Modifications and Waivers.

Motion: Approve the Special Use with the condition, waivers and modifications stated by staff. Factors in favor are the findings of fact, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Jim Martzke, Duane Brofer, Cruz Silva, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams.

Item 4

Docket Z-11-01: Interim Planning Director Michael Turisk presented the docket for a request to downzone a parcel of land from SR-43 (Single-Household Residential, minimum lot size 1-acre) to RU-4 District (Rural, minimum lot size 4-acres). The subject property (Parcel 206-21-194B) is approximately 4.3-acres in size and is currently undeveloped. It is located at the corner of N. Cochise Stronghold Rd. and W. Apache Way in Sunsites, AZ. Mr. Turisk presented maps and photos of the area and explained the zoning and characterization of the surrounding properties. He further stated staff had received 1 letter in support of the proposed downzoning.

Chair Lynch asked for the Applicant's statement.

Mr. Turisk stated the Applicants are out-of-state and would not be present.

Chair Lynch opened the meeting to the public, being there was no one who wished to speak, he closed the meeting to the public

Mr. Turisk stated staff recommends forwarding a recommendation of approval to the Board of Supervisors with the Conditions stated in the staff report.

Motion: Motion to forward a recommendation of approval to the Board of Supervisors with the conditions stated in the staff memorandum, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Ron Bemis.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Jim Martzke, Duane Brofer, Cruz Silva, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams.

Item 5

Docket R-11-01: Interim Planning Director Michael Turisk presented the docket for consideration of an amendment to Article 18 of the Zoning Regulations, Pursuant to A.R.S. § 36-2806.01, to provide for site development standards and land use restrictions for medical marijuana dispensaries, growing facilities, and caregiver activities. Proposition 203 (Arizona Medical Marijuana Act) was passed by Arizona voters last November and allows residents in the state with specific medical conditions to be treated with certain amounts of marijuana. The addition of medical marijuana-related activities to Article 18 (Site Development Standards) would be accompanied by text changes to Article 2 (Definitions) and amendments to various Zoning District Articles.

Mr. Abrams asked if the County was making it difficult to allow the dispensaries in the County.

Mr. Turisk stated the County does not want to over regulate or zone out the dispensaries.

Carlos De La Torre, Community Development Director explained to the Commission that at this time the County is only concerned with the land use issues for proposed 6 licenses that Cochise County would receive. The individual growers, such as caregivers and patients, would be regulated by the State.

Mr. Martzke asked if the County is going to limit where the dispensaries will be located.

Mr. Turisk stated the areas will be chosen by the Community Health Analysis Areas, and that the County will not be concerned with caregivers and patients.

Chair Lynch opened the meeting to the public.

Jerry Burns stated the State set up the ordinance to allow 90% of the State to be covered by a dispensary. Therefore there will be few personal growers. He further stated that the state designed the ordinance to allow for 1 dispensary for every 10 pharmacies.

Bill Skalak stated that as long as the dispensaries are located in the city areas there will be very few people that are growing their own. He further stated that the 300-foot building-to-building setback is crucial, as it allows for more properties to qualify.

Chair Lynch closed the meeting to the public.

Mr. Silva asked if the request is located within incorporated city limits, would it still be regulated by the County.

Mr. Turisk stated it would not.

Mr. Turisk stated staff recommends forwarding a recommendation of approval to the Board of Supervisors for approval.

Motion: Motion to forward a recommendation of approval to the Board of Supervisors with a modification to eliminate other Counties from growing in Cochise County., **Action:** Approve, **Moved by** Ron Bemis, **Seconded by** Duane Brofer.

Britt Hansen stated that he doesn't believe it would be legal to not allow other dispensaries to grow in Cochise County.

Mr. Bemis stated he was withdrawing the motion, and Mr. Brofer withdrew his second.

Motion: Forward a recommendation of approval to the Board of Supervisors, **Action:** Approve, **Moved by** Ron Bemis, **Seconded by** Duane Brofer.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 7).

Yes: Jim Martzke, Duane Brofer, Cruz Silva, Jim Lynch, Ron Bemis, Gary Brauchla, Dan Abrams.

PLANNING DIRECTOR'S REPORT

1. Mr. Turisk announced Beverly Wilson being rehired as Senior Planner.
2. Next month's dockets will include a Comp Plan update and 2010 Census information.
3. The Special Use for Mary Jo Ballator approved last month has been appealed, and will be heard on 12 April.

CALL TO COMMISSIONERS

Mr. Brofer stated that on March 17th, 2011, there will be a seminar on employer/employee responsibilities for medical marijuana.

Mr. Turisk asked if the Commission would be interested in having Commissioner training prior to future meetings; the Commission agreed they would.

ADJOURNMENT

Motion: Motion to Adjourn at 6:30 p.m. **Action:** Adjourn, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.