



Cochise County, Planning and Zoning Commission Minutes Wednesday July 13, 2011

1.  **CALL TO ORDER**
2. **ROLL CALL** (Introduce Commission members, explain quorum and requirements for taking legal action.)**Roll Call.**
3. **Present:** Jim Martzke, Duane Brofer, Rusty Harguess, Dan Abrams, Jim Lynch.
4. **Absent/Excused:** Cruz Silva, Pat Edie, Ron Bemis, and Gary Brauchla.

5. APPROVAL OF PREVIOUS MONTH'S MINUTES

Motion: Approve the minutes as written, Action: Approve, Moved by Rusty Harguess, Seconded by Dan Abrams.

Vote: Motion passed (summary: Yes = 3, No = 0, Abstain = 2).

Yes: Rusty Harguess, Dan Abrams, Jim Lynch.

Abstain: Jim Martzke, Duane Brofer.

6. **CALL TO THE PUBLIC** (Opportunity for members of the public to speak on any item not already on the agenda). Chair Lynch opened the meeting to the public, being there was no one wishing to speak he closed the call to the public.

DOCKET MDP-11-01 / Z-11-03: Planner Keith Dennis presented the proposal for a 1,240-acre Master Development Plan (MDP) West of Willcox, Arizona. The nature of the proposed development, which would take place in several phases, would include a rezoning of the entire tract to PD (Planned Development District), in order to facilitate the MDP. The MDP is proposed as a four-phase development plan. At full build-out, the MDP would include densities ranging from 12 dwellings per acre to one dwelling per four acres, and would include a commercial mixed use area. He explained the subject property is located west of incorporated Willcox, Arizona, along the North side of Airport Road (between Mileposts 10 and 11). The Parcels subject to the Application are: 202-35-002A, 002B, 005, 202-01-009C, 009D, 009E, 202-23-004. Mr. Dennis presented maps and site plans of the proposal. He explained the phases of the development, and the housing types that would be allowed in the

development. He further explained the factors in favor and against and that staff had received 1 letter in support and 1 letter against.

Chair Lynch asked for the Applicant's statement.

David Bohn of Kinetix Engineering, representative for the Applicant, stated there is demand in Willcox for the new development. He stated they had only received one comment from the public and it had been positive. He further stated why they were requesting a waiver for the 50 percent open space, because they are planning to build a school and possibly a Fire Department.

Mr. Abrams asked if there is a timeline for the development.

Mr. Bohn stated they are hoping to finish it in 15 years.

Mr. Dennis explained that staff was recommending approval of the waiver with the condition that the project reach full build out by 2020.

Chair Lynch opened the meeting to the public.

No one wished to speak so he closed the meeting to the public.

Mr. Dennis stated staff recommends forwarding the docket to the Board of Supervisors for approval with the conditions stated in the staff report.

Motion: Motion to forward a recommendation of approval for Z-11-03 to the Board of Supervisors for approval pending approval of the MDP, with the conditions and recommendations stated by staff. **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Rusty Harguess.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Dan Abrams, Jim Lynch.

Motion: Motion to forward a recommendation of approval for MDP-11-01 to the Board of Supervisors for approval with the conditions stated by Staff. **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Rusty Harguess.

Vote: Motion carried by unanimous roll call vote (**summary:** Yes = 5).

Yes: Jim Martzke, Duane Brofer, Rusty Harguess, Dan Abrams, Jim Lynch.

Chair Lynch explained to the public that the RU zoning is not considered residential it is rural and allows businesses in that zoning.

Docket SU-11-09: Planner Keith Dennis presented the docket a Special Use Permit for a Medical Marijuana Cultivation Facility, per Section 607.51 of the Cochise County Zoning Regulations. The Applicant intends to install a 63,425 square foot enclosed greenhouse with a 10 foot wall enclosure for cultivation of marijuana, which will be sold offsite. He Dennis explained the subject property is located at 3516 West La Luna Drive, Douglas, AZ (Parcel No. 407-84-020M), and is located west of Douglas, AZ. He further explained the application does not meet several development standards, including parking and loading areas, driveway widths and surfacing, and required setbacks to nearby wash. He further explained staff had received 29 letters opposing the project. He Dennis explained the factors in favor and against the proposal.

Chair Lynch asked for the applicant's statement.

Julia Patten, Applicant, stated she understands the responsibility that comes with the endeavor and has collaborated with other people when starting the endeavor. She stated she and two other individuals intend to live on the property, work there and protect the property.

Chair Lynch opened the meeting to the public.

Bruce Skippar stated he is the immediate north neighbor to this site. He stated he has many issues such as the 10 foot wall that he feels will impede his view. He further explained he is concerned about the lighting. Mr. Skipper stated the roads are maintained by the neighbors, and asked Ms. Patten to contribute to the road maintenance in the past and she would not contribute, therefore the neighbors don't trust she will be a good neighbor.

Kathleen Eisenbeis stated her barns are located 127' from the wall, and she feels other things can be grown on the property. She doesn't feel Ms. Patten can meet the 500' setback required by the State.

Jennifer Arellano stated her property is along Kings Hwy, at the end of the wash, so she is concerned about the run off and if there will be pesticides washed on to her property. She further feels there is a threat and they are located in an area where it takes a while for the Police to respond.

Ann Skippar stated she is concerned about the water, and the lack of it. She further stated she wants a reliable person to run a business like this in this area.

Chair Lynch asked for the Applicant's rebuttal.

Ms. Patten stated she had been approached about contributing to the maintenance of the road, but at the time she was not living on the property, since she has been living on the property no one has approached her. She stated that this area does not have a water issue as it is in Douglas.

Chair Lynch closed the meeting to the public.

Mr. Dennis stated the staff recommends denial of the Special Use request.

Mr. Turisk stated that the minimum setback stated in Cochise County's ordinance is 300' from structure to structure and the proposal can not meet that requirement.

Motion: Motion to approve SU-11-09 with the conditions of approval recommended by staff. **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Rusty Harguess.

Commissioner Martzke stated he agreed with staff, stating that he feels the docket does not comply with the medical marijuana ordinance.

Commissioner Abrams stated he too feels there are too many neighbors opposed to the proposal to support it.

Vote: Motion failed (summary: Yes = 0, No = 5, Abstain = 0).

No: Jim Martzke, Duane Brofer, Rusty Harguess, Dan Abrams, Jim Lynch.

Docket SU-11-08: Interim Planning Manager Beverly Wilson presented the docket for a Special Use Permit for a Medical Marijuana Dispensary Cultivation Facility, per Section 1205.20 of the Cochise County Zoning Regulations. The Applicant intends to improve a 6,000 square foot vacant warehouse for this use, in a GB zone. The subject property is located at 86 East Redwing Lane, Huachuca City, AZ

(Parcel No.106-16-039), and is located east of North Highway 90. Mrs. Wilson presented maps and a site plan of the proposal. She also presented photos of the property. Mrs. Wilson explained that staff had received 3 letters in support and 2 letters in opposition inside the notification area. She further stated she had received e-mails from an additional 9 property owners outside the notification area. She further explained the factors in favor and against the proposal.

Chair Lynch asked for the Applicant's statement.

Dr. Lisa Landy stated she wants the Special Use because she felt it is important for patient representation and to make sure patients needed access to safe reliable medication, and she felt she could help. She further stated she was asking for the cultivation facility to develop proper strains genetically of the medication to treat specific medical conditions.

Chair Lynch opened the meeting to the public.

Joanne Cappola stated she is concerned about the property being located near a school bus stop. She further stated she is concerned about the lack of noticeable law enforcement, and the rise in crime rate.

Tim Sulger stated he is speaking for his sister who owns property near the proposal. He further stated he is opposed to having a marijuana dispensary in this area. He stated he is concerned about the security lighting that will be required.

Ted Sparks is concerned about law enforcement issues, fire issues, the water table and property values. He further stated he lived in California and he saw how the law was misused and feels it will happen again here.

Bruce Kitabjian stated he is the father of four daughters and feels it will impact his family in a negative way.

Dan Bradford stated he lives near the proposal and is opposed to the proposal.

Todd Grimm stated he lives within the 1000' of the property. He asked if school bus stops are considered school property. He further stated he believes it will increase the crime in the neighborhood.

Dorothy Petrello stated she is opposed to the proposal, she has children and one is a teenager and is concerned.

Corbett Reece stated he is concerned about people purchasing the product and using it right away and then driving away from the facility. He further stated the water table is a concern as there isn't enough water.

Edwill Hector stated he is opposed to the proposal. He further stated he lives next to the property and is concerned about the fumes, a rise in crime, and the other issues already brought up by the other neighbors.

Chair Lynch called for the Applicant's rebuttal.

Dr. Landy stated the plan is for less than 100 plants, which would be about 10,000 to 12,000 gallons a year. She stated the lights that are there will continue to be used. The patients will be picking up their medication on an appointment only basis. There will only be about 28 patients a month picking up medication. She further stated there are other businesses that would have a greater impact on the neighbors.

Commissioner Rusty Harguess asked the applicant if there would be signs.

She stated there would not.

Mrs. Wilson stated that staff recommends conditional approval.

Motion: Motion to approve docket SU-11-08 with the conditions and modifications stated by Staff.

Action: Approve, **Moved by** Jim Martzke, **Seconded by** Rusty Harguess.

Commissioner Brofer stated he will vote against the proposal.

Commissioner Martzke stated the proposal meets the County's requirements the best.

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

Yes: Jim Martzke, Rusty Harguess, Dan Abrams, Jim Lynch.

No: Duane Brofer.

Docket SU-11-06: Interim Planning Manager Beverly Wilson presented the docket for a Special Use Permit for a Medical Clinic and a Medical Marijuana Dispensary Cultivation Facility, per Sections 607.28 and 607.53 of the Cochise County Zoning Regulations. The Applicant intends to install 2 Modular Buildings, 320 square foot each, for these uses. The subject property is located at 2941 Old Coyote Road, Cochise, AZ (Parcel No. 208-89-023), and is located north of Dragoon Road. Mrs. Wilson presented maps and a site plan of the proposal and photos of the area. She explained the factors in favor and factors against; she stated staff had received 3 letters in support, and 6 letters in opposition.

Chair Lynch asked for the Applicant's statement.

Dr. Robert Mead, Treatment and Health Centers, LLC., stated he believes the proposal will impact his neighbors very little. It will be a small business, as there is a need but he feels it will be a small need.

Chair Lynch opened the meeting to the public.

Alan Elkin stated he has lived in that area for a long time, he stated he feels having a doctor's office in the area will benefit the area. He stated he is in favor of the proposal.

Oscar Nunez stated there are 22 patients in the Willcox and Benson area that would be using the service. He further stated he feels that it would be a benefit to the community.

Mary Kay Cerovich stated there is a medical center in Sunsites and doesn't feel there is a need for a medical center on Dragoon Road, near a bus stop.

Linda Middlebrook stated she lives in the 1500' notification area. She stated she is concerned about water, as 3 wells in the area have gone dry. She is also concerned about having the school bus being located near the proposal.

Bobbie Clark stated she lives about a mile from and is concerned about the security of the site because law enforcement is not located nearby.

Dorothy Skinner stated her well is located across the street from the facility. She is concerned about what it will do to her well. She is concerned about clinics that give out medications.

Alan Elkin stated he grows pistachios in the area and they use much more water for their orchards and have never had a problem with water.

Dr. Mead stated he will be setting up an indoor growing facility, and it would not use much water.

Mrs. Wilson stated staff is recommending conditional approval with the conditions stated in the staff report.

Motion: Motion to approve SU-11-06 with the conditions recommended by staff, **Action:** Approve, **Moved by** Jim Martzke, **Seconded by** Dan Abrams.

Vote: Motion passed (summary: Yes = 4, No = 1, Abstain = 0).

Yes: Jim Martzke, Rusty Harguess, Dan Abrams, Jim Lynch.

No: Duane Brofer.

7. PLANNING DIRECTOR'S REPORT

Next months dockets include 6 dockets.

He further stated that the Comprehensive plan policies will be going to the Board and they will bring the results next month.

8. CALL TO COMMISSIONERS ON RECENT MATTERS

9. ADJOURNMENT

10. **Motion:** Motion to adjourn, Action: Adjourn, **Moved by** Jim Martzke, **Seconded by** Duane Brofer.

11. **Vote:** Motion carried by unanimous roll call vote (summary: Yes = 5).

12. **Yes:** Jim Martzke, Duane Brofer, Rusty Harguess, Dan Abrams, Jim Lynch.

Planning & Zoning Commission Meeting Sign in Sheet

DATE July 13, 2011

PLEASE PRINT

NAME	ADDRESS	PHONE #	ITEM #
1. Tim SULLOR	2611 N CALLE SEIS HUALAQUI	(520) 4589349	#3 PCT HOUSE
2. Jonne Coppola	2703 N. Calle Seis Huachuca City, Az 85616	555-0531	#3
3. Dorothy Skinner	1951 W. Laramie Ln Wickenburg AZ	530-826-1023	#4
4. Bruce Skippar	3501 W. El Sol Dr. AZ Huachuca City	520 220 6739	Medical Marijuana #2
5. DANNY BRADFORD	2704 Nicole Seis	520 459-3855	#3
6. Bruce Kitabjian	495 Redwing Huachuca City	805-796-9977	#3
7. Julia Patten	3516 W LaLuna	480-730-5434	
8. Rodolfo GINEZ	3430 MASSAI LN	520-8059820	
9. Julia P. Camacho	4672 N. Kings Highway Cochise AZ 85606	520-364-1220	Medical MARIJUANA
10. Linda Middlebrook	1951 W. Ladybug Ln	520 826-2362	#5 Medical Marijuana
11. Bobbie Clark	3266 N. Druzelas way	520 507 9864	#4 Med Marijuana
12. KATHLEEN BRADY	4672 N. Kings Hwy	520 364 1220	Linda Middlebrook Med Marijuana
13. Jen Arellano	4690 N Kings Hwy	520 366 2643	Douglas Kings Hwy Med Marijuana #2
14. CHARLES SPARKS	204 E. WILDCAT	714-778-6512	MEDICAL MARIJUANA HUACHUCA
15. Mary Kay CEROVICH	2081 W. Snowbird Lane	520 826-0043	#4 MEDICAL MARIJUANA

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DATE: July 13, 2011

PLEASE PRINT

NAME	ADDRESS	PHONE #	ITEM #
1. Dorothy Petrello	2786 N Calle Seis	227-2441	3
2. William Cole	Cochise AZ 85609 1722 W CLEARVIEW LN	254-2935	023
3. PAT GEYMINA	3550 W EL SOL	991-9122	# 2
4. Ralph G. Adcock	3600/3566 EL SOL DR	314-6791	2
5. Georgina Adcock	3600/3566 EL SOL DR	364-6794	2
6. Gina Reece	2792 N Tuyen Ln, Huachuca City	591-1728	# 2
7. Corbet Reece	"	591-4728	# 3
8. Maria Rachilla	3494 W. El Sol Dr. Douglas City	508-4815	
9. L.D. Rachilla	"	"	
10. Anne Rego	2069 N Elder Ave	227 9190	# 3
11. Jim Brechtel	2460 N Calle Serena Whiteley	719-510-9551	#3 Meeting May
12. Mary KARNs (Robert & Gen Brechtel)	(anastacia DeTeresa)	310-631-6057	#1 dec #3
13. JENNIFER SEAN HEERAN	2716 N Calle Terceiro	520-226-7694	
14. Robert + Catherine Mead	2101 N. 123 rd N. Arondale. AZ.	480) 861-6761	
15. AZAN ELKIN	2954 N. Old Coyote COCHISE AZ 85606	520-826-3418	

Planning & Zoning Commission Meeting Sign in Sheet

DATE July 13, 2011

PLEASE PRINT

NAME	ADDRESS	PHONE #	ITEM #
1. OSCAR NUÑEZ	4297 N. RILLITO CREEK TUCSON AZ. 85719	(520) 250-0791	
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