

APPROVED
5/23/19

**MINUTES OF THE REGULAR MEETING
OF THE
SANTA CRUZ COUNTY PLANNING AND ZONING COMMISSION**

DATE April 25, 2019

TIME AND PLACE 1 PM; Santa Cruz County Board of Supervisor's Meeting Room,
2150 N. Congress Drive, Nogales, Arizona 85621

MEMBERS PRESENT Randy Heiss, Kelly Bostock, Nanci Pottinger, Kathi Campana, Guillermo Padilla, Marcelino Varona, Guillermo Valencia and David Gutfahr.

MEMBERS ABSENT Daniel Bell

STAFF PRESENT Mary Dahl, Interim Community Development Director and Angelika Ortiz, Deputy Planning and Zoning Enforcement Officer.

Chair Pottinger called the meeting to order at approximately 1PM. Pledge of allegiance preceded roll call and it was noted for the record that a quorum was present.

Mrs. Pottinger requested a moment of silence to remember Jesse Drake, who passed away on April 18th. She noted that Mrs. Drake performed her work for the County with honor.

Mrs. Pottinger ordered a call to the public and, after hearing no response, moved to the next item on the agenda: Case No. CUP-19-2-03 Parcel No. 105-09-027B: A request for a Conditional Use Permit for a 100-foot-rusticated (weathered steel) monopole wireless communication facility on an M-1 (Light Industry) zoned property located at Bravo Lane, west of Old Tucson Road in Nogales, Arizona.

Ms. Dahl gave a report and presentation and mentioned that the proposed site is located in an industrial area serving mostly warehousing for the produce industry that the tower will initially provide service for T-Mobile, but will have the capacity to provide co-location for two additional wireless carriers in the future. The proposed tower will serve to fill gaps in coverage and data service. The increased coverage will serve local residents and businesses, plus travelers using Interstate 19. She stated that wireless communications facilities such as this proposed project are unmanned and generate little traffic, so the impact to roadways is minimal and that the proposed facility area is located outside the federally mapped floodplain and will be behind bank protection that was constructed by the County circa 2001.

Based on the factors in favor of approval, staff recommended approval of CUP-19-2-03 subject to the following Conditions:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS§ 12-1134 signed by the property owner of the subject property within thirty (30) days of approval of the Conditional Use request, otherwise the Conditional Use authorization may be deemed void upon 30-day notification to the Applicant.
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use due to other federal, state, or local laws or regulations.
3. Changes to the approved Conditional Use shall be considered a new application and will require review and approval.

4. No commercial signage shall be installed or permitted on any part of the tower or facility.

Mrs. Campana asked if the small drainage channel on the north side was adequate for storm water.

Ms. Dahl responded that they would still have to get a TAC (Technical Advisory Committee) approval and that all those concerns would be addressed before approval of that.

Mr. Reg Destree, applicant, concurred with staff reports and offered to answer questions.

Mr. Varona asked about the aesthetics of the tower.

Mr. Destree responded that it would have a rusticated finish and showed them a sample of the material.

Mrs. Pottinger opened the public hearing, after hearing no response she moved to commission discussion and possible action.

Mr. Varona made a motion, seconded by Mr. Heiss, to approve case CUP-19-2-03 subject to the following conditions

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS§ 12-1134 signed by the property owner of the subject property within thirty (30) days of approval of the Conditional Use request, otherwise the Conditional Use authorization may be deemed void upon 30-day notification to the Applicant.
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use due to other federal, state, or local laws or regulations.
3. Changes to the approved Conditional Use shall be considered a new application and will require review and approval.
4. No commercial signage shall be installed or permitted on any part of the tower or facility.

Motion was approved unanimously.

Mrs. Pottinger moved to next item on the agenda: Case No. CUP-19-3-04 - Parcel No. 109-26-032: A request for a Conditional Use Permit for a home occupation business for a Type 01 Federal Firearms License for firearms transfers from an SR (Suburban Ranch) zoned property located at 7 Chula Court in Sonoita, Arizona.

Ms. Dahl gave a report and presentation and stated that the applicants are requesting Conditional Use Permit for a Home Occupation to sell firearms (firearms transfer – Type 01 Federal Firearms License) from their residence. She stated that the federal Bureau of Alcohol, Tobacco, Firearms and Explosives are requesting that the applicants have their licensees comply with local land use laws; she mentioned that these types of business activities are very low key as regards land use impacts.

Based on the factors in favor of approval, staff recommended Approval of CUP-19-3-04 subject to the following Conditions:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS §12-1134 signed by the property owner of the subject property within thirty (30) days of approval of the Conditional Use request, otherwise the Conditional Use authorization may be deemed void upon 30-day notification to the Applicant;

2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use due to other federal, state, or local laws or regulations; and
3. Changes to the approved Conditional Use shall be considered a new application and will require additional review and approval.
4. No commercial signage allowed as a part of this permit.
5. The Conditional Use shall become void upon a change in property occupancy or ownership.

Mr. Nicholas Schockett made a brief presentation of his request and explained how the business would be conducted.

Mr. Varona thanked Mr. Schocket for his military service and asked him if either he or his wife had ever been arrested for a felony.

Mr. Schockett responded no.

Mrs. Pottinger asked if he would have an inventory of arms at the home.

Mr. Schockett responded that the business would be strictly transfers and that there would not be any inventory of firearms or combustibles, explosives or chemicals at the site.

Mrs. Pottinger opened the public hearing, after hearing no response she moved to commission discussion and possible action.

Mr. Varona made a motion, seconded by Mr. Gutfahr, to approve case CUP-19-3-04 subject to the following conditions:

1. The Applicant shall provide the County a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS §12-1134 signed by the property owner of the subject property within thirty (30) days of approval of the Conditional Use request, otherwise the Conditional Use authorization may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use due to other federal, state, or local laws or regulations; and
3. Changes to the approved Conditional Use shall be considered a new application and will require additional review and approval.
4. No commercial signage allowed as a part of this permit.
5. The Conditional Use shall become void upon a change in property occupancy or ownership.

Motion was approved unanimously.

Mrs. Pottinger moved to discussion and possible action relating to the approval of the March 28, 2019 minutes.

Mrs. Campana made a motion, seconded by Mr. Heiss, to approve the March 28, 2019 minutes as presented.

Meeting adjourned at 1:31 p.m.



Nanci Pottinger, Chair