

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

APPROVED
July 25, 2019

DATE May 23, 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, Marcelino Varona,
Guillermo Valencia and David Gutfahr.

MEMBERS ABSENT Daniel Bell & Guillermo Padilla

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 ordered a call to the public and, after hearing no response, she moved to the next item on the agenda: Case No. Case No. CUP-19-3-05, a request for a Conditional Use Permit for a home occupation business for federally licensed internet firearms sales from an R-2 (Residential) zoned property located at 1686 Avenida Calamar in Rio Rico, Arizona.

Ms. Dahl gave a report and presentation, spoke about the location of the property and explained that the applicant wishes to start a home-based business selling firearms through the internet, which requires clearance from the County as part of the licensing process. She stated that Mr. Hernandez is applying for a Type 01 Federal Fire Arms Dealer License, and explained the process the applicant has to go through to get licensed.

Based on the factors in favor of approval, she recommended approval of the request with 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. Javier Hernandez agreed with Ms. Dahl's presentation and offer to answer any questions or concerns from the Board Members.

Mrs. Campana mentioned that she visited the property and saw a patrol car behind the house Shae asked Mr. Hernandez if he was in law enforcement.

Mr. Hernandez responded that he works for a federal agency and that he has a patrol car because he is a volunteer with the Sheriff's Office.

Mr. Varona asked Mr. Hernandez if he or his wife had ever been arrested for a felony.

Mr. Hernandez responded no.

Mrs. Pottinger asked Mr. Hernandez what he asks a client before ordering a weapon for them and where will the merchandise would be located.

Mr. Hernandez responded that when he takes an order, he contacts a licensed firearms dealer near the customer and that firearms dealer will then complete all the required background and clearance checks prior to completing the sale.

Mrs. Pottinger opened the public hearing. There was no response so she closed the public hearing and moved to Commission discussion and possible action.

Mr. Varona mentioned that even though he is always concerned with these requests, the application is in conformance with the comprehensive plan and that he favors the request.

Mr. Varona made a motion, seconded by Mr. Heiss, to approve the request with the following conditions:

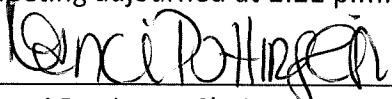
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Motion was approved unanimously.

Mrs. Pottinger moved to discussion and possible action relating to the approval of the April 25, 2019 minutes.

After making some corrections, Mrs. Campana made a motion, seconded by Mr. Heiss, to approve the April 25, 2019 minutes as corrected.

Meeting adjourned at 1:21 p.m.



Nanci Pottinger, Chair