

**PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, MARCH 3, 2016
5:00 P.M.
SCHIEFFELIN HALL**

- I. **CALL TO ORDER** Chairman Jennings called the Meeting to order at 5:00 p.m.
- II. **PLEDGE OF ALLEGIANCE** Commissioner Nielsen led the Planning and Zoning Commission and the general public in a recitation of the Pledge of Allegiance.
- III. **ROLL CALL**
- | | |
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| Commissioner David Bales | Present |
| Commissioner James Hofmeister | Present |
| Commissioner Bruce Nielsen | Present |
| Chairman Russell Jennings | Present |

A QUORUM WAS DECLARED

IV. **APPROVAL OF MINUTES**

Regular Planning and Zoning Meeting Minutes for November 16, 2016

MOTION by Commissioner Hofmeister, **SECOND** by Commissioner Bales to approve the minutes for the Regular Planning and Zoning meeting for November 16, 2016.

DISCUSSION: "Commissioner Nielsen stated that his name was misspelled. Secretary Duran stated that it was noted and would be corrected.

VOTE: 4/0

MOTION: Carried

VI. **NEW BUSINESS**

- A. **DISCUSSION AND ACTION:** Request for approval of rezoning of property Parcel No. 609-05-008M3 from R-1 to I-1.

MOTION by Commissioner Hofmeister, **SECOND** by Commissioner Nielsen to approve for discussion request for rezoning of property Parcel No. 609-05-008M3 from R-1 to I-1.

DISCUSSION: Chairman Jennings; “As I understand it the property was originally zoned one and when we annexed it we did a blanket change to R-1. Is that correct?”

Mr. Gene Simpson - “That is correct.”

Chairman Jennings; “It is property located on Charleston Road.”

Mr. Simpson; “There is also another property involved. We tried to get the numbers on that first application. Which is the property right across from (inaudible) which is all part of the mining claim it sits on. Which would be the Laura English mining claim. (inaudible) originally zoned industrial.

Chairman Jennings; “The first application that I viewed had both applications on it but then the building inspector stated that the other properties that would touch the; within a hundred and fifty feet of the property on the north side of Charleston would have entailed getting the signatures of the two people which they were unable to find them.”

Mr. Simpson; “I have been unable to find Vijaya Winters. Who doesn't have property on that side of the road. She owns property on the other side of the road which is adjacent to this parcel we are talking about. She has never been contacted however; the people within a hundred and fifty feet west were contacted. Their signatures are on there.

Commission Hofmeister: “I see Bob and Lillian Hritz.”

Mr. Simpson; “Yes, they are the ones to the West. They are on the other half of the Laura English mining claim. That's there property. I own the rest of the Laura English mining claim.”

Chairman Jennings; “Now, one has one parcel?”

Mr. Simpson; “That's a parcel that is on the South side of the road. The second parcel which is adjacent basically with the road splitting we separated it because we had a roadway going through it but it was all contiguous property but the (inaudible) because I get two tax bill on them.”

Commissioner Nielsen; “My question is; is there properties within a hundred and fifty feet of the property that is on the North side of Charleston?”

Mr. Simpson; “There is no ownership there other than (inaudible) which would be BLM.”

Chairman Jennings; “Where did the names come up on the first; that had their names on there that had a hundred and fifty feet, where did those names come from?”

Mr. Simpson; “Those are the people who are to the West. That's the only other property owners in here. There are no other property owners other than Vijaya Winters which is up the hill.”

Chairman Jennings; “This property; those people are within a hundred and fifty feet of this property and we don’t have their signatures?”

Mr. Simpson; “We do have their signatures. We do not have Vijaya Winters signature which is with a hundred and fifty feet. That is the lady we can’t find. She is the one that I originally purchased that from by the way.”

Chairman Jennings; “When it was I-1.”

Mr. Simpson; “Correct.”

Commissioner Hofmeister; “How does that affect you’re rezoning?”

Mr. Simpson; “Well if you don’t include both of those parcel numbers it affects me; I have the other half of that property and I want to get all of it rezoned.”

Commissioner Hofmeister; “I guess if I understand what you are saying is”

Mr. Simpson; “I don’t know where the percentages fall.”

Commissioner Hofmeister – “That is what I am saying. You have two parcels and you got one here that I see and you got all your approvals necessary to get that one rezoned. You are not sure about the second one so I don’t know why you would bring that up because that would then jeopardize your rezoning of the first place if they are coupled together.”

Mr. Simpson; We are going to go for the rezoning on the one tonight right?”

Chairman Jennings; “Yeah”

Mr. Simpson; “That is legal and that is going to fly I mean as far as the signatures and stuff are concerned. What I didn’t understand is why you didn’t allow the second parcel in there with the same amount of signatures?”

Chairman Jennings; “Okay, I was under the impression that the other parcel brought two other people in to play. RJ ...”

Mr. Simpson; “Brought me into play because I own it. There is no other adjacent parcels (inaudible) ownership other than BLM.”

Chairman Jennings; “There is only three that come in to play on this property?”
“Without the map I have a problem understanding who’s next to the properties.”
Before the Commissions information, RJ had met with me with the original quotation which had two parcels to be changed and then they had four people that was supposable within a hundred and fifty feet.”

Mr. Simpson; One parcel within a hundred and fifty feet besides the Aurora which is the one we are talking about up on the South of that and that’s the twenty acres they....” Anyway the parcel to the South of this parcel that you are talking about tonight okay, is the Aurora Mining Claim which is owned by Vijaya Winters. It’s the lady we can not contact. I am not sure what is going on with her

but right across the road is the other parcel. There is nothing North of that or South of that; North of that no parcels there other than (Inaudible). It is not USA so I am assuming it is BLM.

Chairman Jennings; “You’re not in Section 16 then?”

Mr. Simpson; “We have a parcel that has ownership that is west of me which is the two people in there with the two signatures on that.”

Chairman Jennings; “I wish you had submitted.”

Mr. Simpson; “I wish I had too.”

Chairman Jennings; “RJ was telling me no this is the one that these people are on and the other people are on the other parcel.

Mr. Simpson; “Let me ask you a question. What if you could table this to your next meeting? Can you do that?”

Chairman Jennings; “Yes because it is discussion or action.”

Mr. Simpson; “We can determine the other ownerships at that point in time and we probably will have a signature from another owner. I can live with that. I don’t know what RJ is doing with this thing but I would prefer to do that so that it all gets done at once.”

Commissioner Hofmeister; “(inaudible) two parcels. Apparently, this parcel of Gene’s there is no question about the adjacent properties. The other parcel there is a question about property owners. So until that is resolved we really can’t vote on the other.”

Mr. Simpson; “What I don’t understand is the other fifty one percent. How the signatures on there right now are considered fifty one percent.

Chairman Jennings; “If you have two out of three you’ve got the fifty one percent made and if there is only three parcels people next to the properties and you have two of the signatures the other one that you can’t find would be a moot question because you would be over. You would be sixty six percent.”

Commissioner Nielson; “If I could make a suggestion. If we get a parcel map and see what it is and we see who owns this. You may own two or three parcels there and you have one or two neighbors that are within that hundred and fifty feet and they have already signed off you are good to go. You just need the proper documentation so we can vote properly without getting in trouble.”

Mr. Simpson; “I can understand where you’re on; on that. There should have been maps submitted actually.”

Chairman Jennings; “I never saw a map.”

Commissioner Hofmeister; “The property in question across the street from you isn’t that sort of like a ranch?”

Mr. Simpson; “Right.”

Commissioner Hofmeister; “Perhaps the lady there is the one that died that lived across the street from you. She just died about a month ago.”

Mr. Simpson; “I am not familiar with that.”

Commissioner Hofmeister; “Her sister had bought the house for her and put her in there and then she died.”

Mr. Simpson; “Oh, I think you are talking a little farther West.” That’s the old (inaudible) Ranch. That’s the lady that was in the rest home down here.”

Commissioner Nielson; “In my opinion everything is moot until we have a parcel map and we see who owns the land around there and your only concern is what’s within a hundred and fifty feet and if you have three people within a hundred and fifty feet you have two of the signatures of the three. Forget the percentages you are all ready covered. I think if we had a parcel map and we saw the owners on that I would say no problem.

Commissioner Hofmeister; “I think what Gene might be referring to is the fact that this is his property and there is only one other property. So if you get permission on that one (inaudible).

Mr. Simpson; “That’s the problem. There is two other properties (inaudible) a hundred and fifty feet. One is Vijaya Winters and one is folks that have their signatures on there.”

Commissioner Hofmeister; “so now does his property count as the fifty one percent?”

Chairman Jennings; “No.” “I take it back because there are two parcels involved. So one would be effective to the other and the other one to that one. So it would be part of the fifty one percent.”

Mr. Simpson; “I would be part of the fifty one percent?”

Commissioner Nielson; “If you own it the third, fourth, five or hundred parcel and you own it your still one of the landowners. That’s still the percentage.”

Mr. Simpson; “you could vote on this tonight!”

Chairman Jennings; “Except that there is only one parcel before us. Voting on this one is not a problem because we have the signatures and we have the parcel.”

Mr. Simpson; “Well if you table that with the stipulation that I bring in one more ownership and another parcel number listed on there...”

Chairman Jennings; “and a map so we can see. The map (inaudible) so that both parcels are on there and (inaudible) shows who’s around it and since it was I-1 to start with; if anyone’s been out there there’s no reason for it not to be industrial. I would think.”

Mr. Simpson; “When is your next meeting?”

Chairman Jennings; “When ever necessary. We want to; because we know that RJ is; time is of the essence.”

Mr. Simpson; “I can probably have that to you within a week.”

Chairman Jennings; “Then we can have a meeting next week. Regina if you would schedule; when do you think you could have that information to her?”

Mr. Simpson; “I could probably have that information to her by the middle of next week by Wednesday.”

Commissioner Nielson; “I am going to say one thing for me personally. I am going to be in California. I am leaving on Monday. I will be gone two, three weeks. Just so this isn’t held up as long as the proper paper work is there. The map you already have the signatures in my opinion of what I have seen so far and if you own one of the properties I have no problem with it. We are good to go. I just want the proper paperwork.”

Chairman Jennings; “Would you give the Commission your proxy to vote.”

Commissioner Nielson; “With the proper paperwork I will vote for the change from residential to industrial with the map and the proper amount of signatures. I think you have the proper amount of signatures all we are lacking is the map.”

Chairman Jennings;”and the other parcel number to be on here.”

Chairman Jennings asked if everyone agreed with that. Commissioners all agreed.

Commissioner Nielson stated that he would also be available by phone.

MOTION by Commissioner Hofmeister, **SECOND** by Commissioner Nielson to table until updated information is available.

VOTE: 4/0

MOTION TO TABLE: Carried

B. DISCUSSION AND/OR ACTION: General Plan

Chairman Jennings; “We worked on the General Plan four or five years ago.

The law requires us to do it every five years. Now the previous time; we did it two thousand eleven last time was nineteen ninety nine before that. I am going to ask Regina to ask the City to get us the General Plan or the Comprehensive Plan for Tombstone that we worked on and then we need to go through it re implement. I think one of the things we are going to have to look at in our General Plan is how to acquire population into the town. We keep dwindling and we keep losing money because our population goes down. So this will be a big thing. So in the minutes I would like to request from the City what we have as far as the General Plan, Comprehensive Plan that we can set a time and a general meeting that we start discussing the things in the comprehensive plan that we need to look at, recommend to the City and find ways to implement them.

Mr. Simpson; ‘I was on Planning and Zoning here about fifteen years ago and we did a master plan at the time. What is necessary about those master plans is if we go for any grant work or anything like that those have to be implemented and have to be up to date. Otherwise, grants can’t be issued to the City of Tombstone.’

ADJOURNMENT

Chairman Jennings entertains a motion to adjourn.

MOTION by Commissioner Hofmeister, **SECOND** by Commissioner Nielsen to adjourn the meeting at 5:30 p.m.

Russell Jennings, Chairman