

**City Of Bisbee
 Planning and Zoning Commission Meeting
 1415 Melody Lane, Building G
 In the Cochise County Board of Supervisors, Hearing Room
 Bisbee, Arizona 85603
 January 18th, 2018, @ 5:30 pm**

Action Agenda

THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.

5:30 pm Call To Order

Roll Call - Commission Members

	Present	Absent	Excused
Judy Anderson-Chair			X
Mark Apel – Vice Chair	X		
Vacant			
Noah Suby	X		
Nancy Parana	X		
Michael McPartlin	X		
Louis Pawlik	X		
Douglas Dunn – Council Liaison to the Commission			

CALL TO THE PUBLIC – Council Liaison Doug Dunn announced that there would be a work session for the Mayor and City Council on January 23, 2018 regarding the proposed amendments to the Zoning Code for the establishment of Alt. Lodging Parks as a “Special Use”.

Agenda Item 1.

Public Hearing, To Consider Rezoning Application 17-03.

Discussion and Possible Recommendation to the Mayor and City Council.

Kimberly Blanck has applied to rezone the property at 54 Cochise Row. This parcel is currently zoned R-1. The Applicant is requesting that the zoning be changed to

R-3. The parcel ID number is 102-05-097G

The Staff report was prepared and presented by Paul Esparza. Paul recommended that the Commission recommend this rezoning from R1 to R3 with the following conditions

1. The Applicant shall provide the City with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of City Council approval of the rezoning;
2. Limit the permitted uses under this rezoning request to preclude condominiums and multiple dwellings.

The applicants presented the application to the Commission and answered questions from the Commissioners.

The Public Hearing was opened. There were no comments from the public. The Public Hearing was closed.

Mark called for a motion. Michael proposed the following motion

“I move that the Planning and Zoning Commission recommend that the Mayor and Council of the City of Bisbee approve this application with the conditions of rezoning that have been recommended in the Staff Report.”

Nancy Seconded the Motion.

Mark called for a vote.

Action: The motion passed unanimously 5-0 in favor

Agenda Item 2.

Discussion and Possible Recommendation To The Mayor And Council, To Amend The Zoning Code Article 3.5.5 Of The City of Bisbee,

Public Hearing. This is a Public Hearing for the consideration of amending the Zoning Code Article 3.5.5

The Staff Liaison presented the Staff report assisted by Michael as Chair of the DRB.

During the Commission discussion. Michael proposed adding language that would ensure that the Design Review Board had access to structures being proposed for demolition in the Historic District. Mark proposed that contradictory language be corrected regarding permits being issued prior to DRB approval. Noah questioned whether the DRB had authorization to make decisions beyond the exterior aesthetics of a structure. Michael pointed out that the existing provision for approving demolition applications was subject to arbitrary and sometimes contradictory decisions since each application was determined on a case by case basis. Mark questioned how the building Inspector would could order immediate demolition of a building without DRB approval. He suggested rearranging the wording used to authorize this authority.

The Public Hearing was opened. There were no comments from the public. The Public Hearing was closed.

Mark called for a motion. Louis proposed the following motion, I move that the Planning and Zoning Commission recommend that the Mayor and Council of the City of Bisbee amend Zoning Code Article 3.5.5 by

- a. deleting from article 3.5.5.A.3 the words “retention of the structure would cause undue financial hardship on the owner.”
- b. Recognize the City’s ability to condemn and order the demolition of unsafe structures
- c. Institute a process to prevent and abate conditions deemed “demolition by neglect”
- d. Require owners seeking DRB demolition approval, to consult design and construction professionals to verify that rehabilitation is not feasible in their specific instance.

Nancy seconded the motion.

Mark called for a vote.

Action: The motion passed unanimously 5-0 in favor

The full text of the proposed amendments to Article 3.5.5 as passed by P&Z is attached to this agenda.

Agenda Item 3.

For Discussion and Possible Action: Creation Of A List Of Agenda Items That The Commission Will Prioritize For Action In 2018.

Mark: The U of A has a group of graduate student that will be aiding the City with a study of Bisbee's parking needs. Work will begin in a few weeks and should be completed by May.

Michael: Review of what authority does the City have to regulate vacation rentals within the parameters of existing state statutes and what needs to be amended to comply with state statutes?

Paul: amending code to comply with wireless facilities in the right of way. The City attorney has been consulted already.

Nancy: Air B&B and tiny houses are the leading questions asked realtors.

Mark: My parcel is made up of three lots. Can I build three homes and rent these for short term or long term rentals? A presentation by Paul or Britt on lot vs parcel and what that means for residential density, would be helpful. When do subdivision rules kick in? Would wheeled tiny homes be able to be set on a foundation and be acceptable in residential zones?

Agenda Item 4.

For Discussion and Possible Action: Amending the Special Use Permit and Rezoning Procedures and Forms.

For February's meeting the SUP application will be ready for consideration by the Commission. Staff will be using the amended rezoning application as a template for amending the Special Use Permit application form. The criteria from the rezoning application needs to be adopted into the Zoning Code.

Agenda Item 5.

For Discussion only: The Commission Will Discuss Amending Article 7 Of The Zoning Code To Limit The Use Of Stationary Vehicles As Off Site Signage.

Mark asked Paul to research and make a recommendation to the Commission.

COMMISSIONER COMMENTS: Mark thanked Paul Esparza in behalf of the Commission, for his professional work.

FUTURE AGENDA ITEM SUGGESTIONS : No Suggestions, at this opportunity.

Adjournment 6:53

Text of the proposed amendment to Zoning Code Article 3.5.5 as further amended by P&Z Commission 01/18/18

3.5.5 Demolition and Movement of Historic Buildings

The Design Review Board must approve all demolition permits and relocation permits for any significant part of any building in the Historic Preservation (HP) Overlay District. No permit shall be issued by the Building Inspector until DRB approval. However, if a structure is judged by the Building Inspector to be a hazard to public safety, the Building Inspector may order the immediate demolition of the building in accord with his charge to protect the public health and safety. The Inspector will notify the DRB members of his decision. In making its decision, the Design Review Board should determine whether and to what extent demolition or movement affects the structure in question or any contributing structure within the district as demolition and/or movement can have significant impact on the City in general. For permit approval, the applicant must show that preserving the building is not physically and/or economically feasible. The DRB reserves the right to gain access to the structure to inspect it, in line with a demolition application.

A. Approval: The Design Review Board may recommend approval of the demolition or relocation permit if any of the following conditions exist:

1. It is demonstrated that the structure is a deterrent to a major improvement program which will be of substantial community benefit.
2. A determination is made that a building or structure no longer presents an opportunity for feasible rehabilitation, which is arrived at after an on-site visit by a licensed contractor, structural engineer or architect experienced in historic preservation work. Any costs shall be borne by owner.
- ~~3. Retention of the structure would cause undue financial hardship to the owner, which would be defined as a situation where~~
3. The investment required to preserve or rehabilitate the structure could not be offset by the return on the property.
4. The Design Review Board shall notify the Building Official that the demolition permit is approved. The Building Official may do the following:
 - a. Issue the permit, or,
 - b. Deny the permit based on other duly adopted and applicable ordinances or regulations.

B. Denial: If preservation or rehabilitation is determined to be feasible, and if the structure has been designated as one having special significance or as a contributing property within the District, the Design Review Board shall deny the permit for demolition or movement of a structure.

C. Demolition by Neglect: If a structure in the District is judged by the Building Inspector to be in danger of falling into irreparable condition because of neglect, a Notice

of Neglect will be sent to the Legal Owner(s) stating the conditions that must be remedied. Within 60 days of such notice, the Owner(s) may request a public hearing before the DRB Board. The DRB Board may rescind or confirm all or part of the Notice of Neglect based on information provided by the Owner(s). If the DRB confirms the Notice of Neglect or the Owner(s) fails to correct the conditions listed, the City of Bisbee will begin issuing violation notices and seek all remedies and penalties in accordance with Bisbee City Code.