

**City of Bisbee  
Planning and Zoning Commission Meeting  
1415 Melody Lane, Building G  
Cochise County Board of Supervisors, Hearing Room  
Bisbee, Arizona 85603  
May 17, 2018 @ 5:30 pm**

**Agenda**

**5:30 pm Call to Order**

**Roll Call - Commission Members**

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

**CALL TO THE PUBLIC –**

**Agenda Item 1.**

**Public Hearing to consider an application for Transfer of City Property.**

**Discussion and Possible Recommendation to the Mayor and City Council**

A request for the transfer of a city right-of-way parcel described as APN 103-61-179A located at the end of Laundry Hill Street. The applicant wishes to acquire the city parcel to establish designated parking for the adjacent parcel he owns at 429D Laundry Hill Street. The applicant is Jon Sky. All public notice requirements have been met.

Pursuant to Article 2.69 of the Bisbee City Code, Prior to the sale, exchange or abandonment of any City property, the proposal to transfer the subject property shall be referred to the Planning and Zoning Commission for review and recommendation by that Commission.

Call for the Staff Report  
Declare the Public Hearing open and receive public comment  
Declare the Public Hearing closed  
Call for Commission discussion  
Call for any additional staff recommendations.  
Call for a motion  
Call for discussion of motion  
Call for vote

**A possible motion:** I move that the Planning and Zoning Commission recommend that the Mayor and City Council approve the transfer of this city right-of way parcel to the applicant for appropriate consideration with recommendations in the Staff Report.

**Agenda Item 2.**

**For Discussion and Possible Action: Review of Special Use Permit Application**

Staff review of changes to the Special Use Permit Application

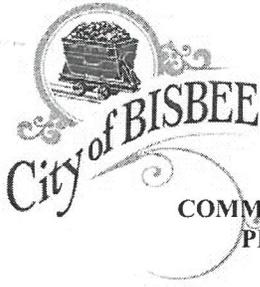
**COMMISSIONER REPORT/COMMENTS:**

Please refrain from any discussion, comments only.

**FUTURE AGENDA ITEM SUGGESTIONS:** (Commission members may suggest topics for future meeting agendas, but the Commission will not hear, discuss, deliberate or take action on any of these topics.)

**STAFF REPORT:**

**ADJOURNMENT:**



# APPLICATION FOR THE TRANSFER OF CITY PROPERTY or RIGHTS OF WAY

COMMUNITY DEVELOPMENT  
PLANNING & ZONING

1. Applicant's name: Jon Sky 103-61-177 429 D Laundry Hill St
2. Mailing address: Po box 430
3. Phone# 520 366 7284 Cell Phone \_\_\_\_\_
4. Email Address \_\_\_\_\_
5. Property address: 103-61-179A
6. Parcel number: \_\_\_\_\_

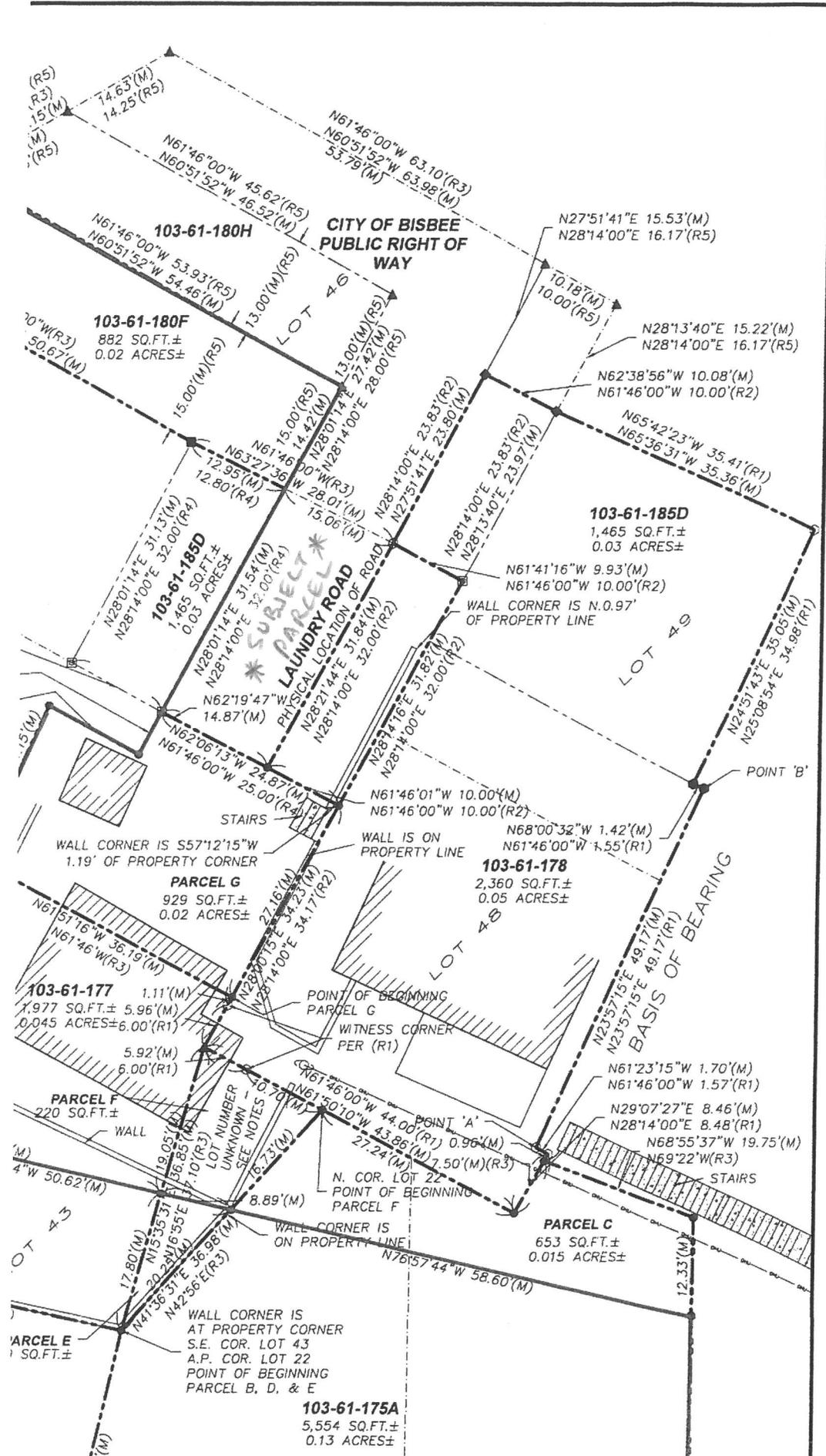
7. Please describe the reason for this request and the relationship of the subject property to any property currently owned by the applicant:

Every House on laundry hill has parkings  
with there house. 429 d laundry Hill  
has been using this parking spot for  
the last 30 years. Just trying to make  
parking legal for all on laundry Hill  
To alleviate any disputes

Applicant's signature: [Signature] Date 3/12/18

Administrative fee: \$300.00 plus costs.

Contact the Planning and Zoning Department at 432-6269 with any questions.



**103-61-180H**  
 N61°46'00"W 45.62'(R5)  
 N60°51'52"W 46.52'(M)

**CITY OF BISBEE  
 PUBLIC RIGHT OF  
 WAY**

**103-61-180F**  
 882 SQ.FT.±  
 0.02 ACRES±

**103-61-185D**  
 1,465 SQ.FT.±  
 0.03 ACRES±

**103-61-185D**  
 1,465 SQ.FT.±  
 0.03 ACRES±

**PARCEL G**  
 929 SQ.FT.±  
 0.02 ACRES±

**103-61-178**  
 2,360 SQ.FT.±  
 0.05 ACRES±

**103-61-177**  
 1,977 SQ.FT.± 5.96'(M)  
 0.045 ACRES± 6.00'(R1)

**PARCEL F**  
 220 SQ.FT.±

**PARCEL C**  
 653 SQ.FT.±  
 0.015 ACRES±

**PARCEL E**  
 1 SQ.FT.±

**103-61-175A**  
 5,554 SQ.FT.±  
 0.13 ACRES±

**SUBJECT PARCEL**  
**LAUNDRY ROAD**  
 PHYSICAL LOCATION OF ROAD

**LOT 46**

**LOT 48**

**LOT 49**

**BASIS OF BEARING**

STAIRS

WALL IS ON PROPERTY LINE

POINT OF BEGINNING  
 PARCEL G  
 WITNESS CORNER  
 PER (R1)

POINT OF BEGINNING  
 PARCEL F  
 N. COR. LOT 22

WALL CORNER IS  
 ON PROPERTY LINE

WALL CORNER IS  
 AT PROPERTY CORNER  
 S.E. COR. LOT 43  
 A.P. COR. LOT 22  
 POINT OF BEGINNING  
 PARCEL B, D, & E

WALL CORNER IS N.0.97'  
 OF PROPERTY LINE

WALL CORNER IS S57°12'15"W  
 1.19' OF PROPERTY CORNER

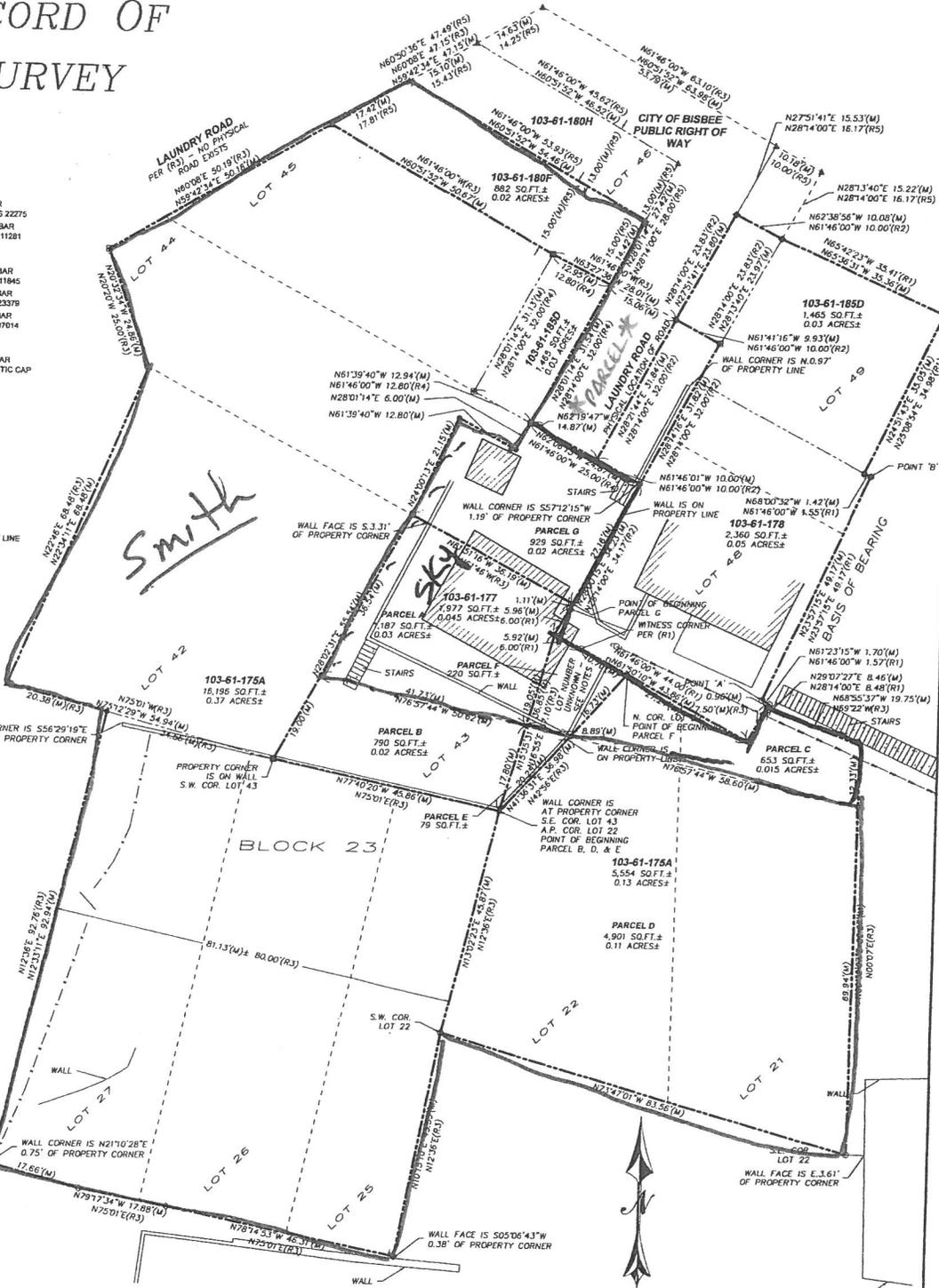
POINT 'B'

POINT 'A'

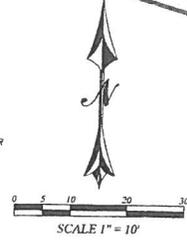
# RECORD OF SURVEY

## LEGEND:

- SET 1/2" IRON REBAR  
W/PLASTIC CAP - RLS 22275
- ⊠ FOUND 1/2" IRON REBAR  
W/PLASTIC CAP RLS 11281
- FOUND PK. NAIL  
W/AG RLS 11281
- FOUND 1/2" IRON REBAR  
W/PLASTIC CAP RLS 11845
- FOUND 1/2" IRON REBAR  
W/PLASTIC CAP RLS 23279
- FOUND 1/2" IRON REBAR  
W/PLASTIC CAP RLS 37014
- FOUND PK. NAIL  
W/AG RLS 37014
- ◆ FOUND 1/2" IRON REBAR  
W/UNREADABLE PLASTIC CAP
- ▲ NOT FOUND OR SET
- (M) MEASURED DATA
- (R) RECORD PER REFERENCE TABLE
- - - - - FENCE, AS NOTED
- - - - - LOT LINE PER (R)
- - - - - OVERHEAD UTILITY
- - - - - PROPERTY LINE
- - - - - PROPOSED PROPERTY LINE
- ⊕ POWER POLE
- ▨ BUILDING AREA
- ▩ CONCRETE



*Smith*



**RECORDING DATA:**  
STATE OF ARIZONA }  
COUNTY OF COCHISE } SS

FILED FOR RECORD AT THE REQUEST OF ALTA LAND SURVEY, INC.  
ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ OF MAPS OF SURVEYS AT PAGE \_\_\_\_\_ THEREOF.  
FEE NO. \_\_\_\_\_  
WITNESS MY HAND AND OFFICIAL SEAL THE DAY AND YEAR ABOVE WRITTEN.

COCHISE COUNTY RECORDER/DEPUTY COUNTY RECORDER

**NOTES:**

1. THE LOCATION AND/OR EXISTENCE OF UTILITY SERVICE LINES TO THE PROPERTY ARE UNKNOWN AND NOT SHOWN.
2. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT RESEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT A CURRENT TITLE SEARCH MAY DISCLOSE.
3. THIS TRIANGULAR SHAPED PARCEL IS SHOWN ON (R)3 AND THE ASSESSOR'S MAP WITH NO INDICATION OF OWNERSHIP. THIS PARCEL ALSO DOES NOT HAVE A BISBEE TOWNSHIP (R)3 LOT NUMBER ASSIGNED.

**BASIS OF BEARINGS:**  
BEARINGS ARE BASED ON THE EAST LINE OF PARCEL B. AS RECORDED IN BOOK 24 OF MAPS OF SURVEYS, PAGE 44, RECORDS OF COCHISE COUNTY, AZ. THE BEARING OF SAID LINE IS NORTH 23° 07' 15" WEST.

**RESOURCE DOCUMENTS:**  
(R1) BOOK 24 OF MAPS OF SURVEYS, PAGE 44  
(R2) BOOK 17 OF MAPS OF SURVEYS, PAGE 78  
(R3) BOOK 1 OF MAPS OF SURVEYS, PAGE 25-63  
(R4) DOC. No. 9802615409  
(R5) FEE No. 000203407  
  
BOOK 15 OF MAPS OF SURVEYS, PAGE 61  
BOOK 15 OF MAPS OF SURVEYS, PAGE 81  
UNRECORDED MAP BY ALTA LAND SURVEY, JOB No. 14-151, DATED 09/05/2014

COCHISE COUNTY RECORDS  
COCHISE COUNTY, ARIZONA

**CERTIFICATION:**  
I HEREBY CERTIFY THIS PLAT REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION AND THAT THE PROPERTY CORNERS AND SURVEY MONUMENTS EXIST AS SHOWN HEREON.



STEPHEN ALLEN SAMPLE R.L.S. # 22275  
EXPIRES: 06-30-2019

ALTA ARIZONA  
SURVEY - ENGINEERING - GEOTECH  
2025 W. RUTHRAUPT ROAD, SUITE 125  
TUCSON, ARIZONA 85705  
(520) 399-8651

FEE \$ \_\_\_\_\_ BOOK \_\_\_\_\_ SURVEY, PAGE \_\_\_\_\_

A PORTION OF LOTS 21, 22, 25 - 27, 42 - 46, 48, & 49 OF BLOCK 23, AS RECORDED IN BOOK 1 OF MAPS OF PLATS, PAGES 25 - 63, RECORDS OF COCHISE COUNTY, IN A PORTION OF SECTION B, 1-23-S, R-24-E OF THE G.&S.R.M. COCHISE COUNTY, ARIZONA

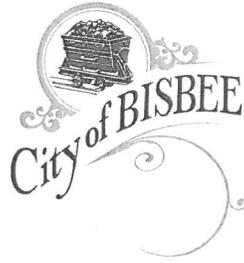
PROJECT: Survey by: SAS Drawn by: AMC Checked by: SAS Narrator: AMC Revison: AMC  
NO. 18-087 Date: 02/23/18 Date: 03/03/18 Sheet: 1 of 1 Date: 03/14/18 Date: 03/19/18 Date: 04/02/18

Before 2018 Purchase  
from SKY!



**Parcel Details**

Attribute	Value
GID	106652
APN	10361175A
Book	103
Map	61
Parcel	175A
Zoning	R-1
Category	
Designation	
Tax Area Code	0250
School District	BISBEE (02)
Incorporated City	BISBEE
Fire District	NONE
Hospital District	NONE
Sanitation District	NONE
Light District	NONE
Flood District	NONE
Irrigation District	NONE
Road District	NONE
JTE District	COCHISE
Use Code	0011
Description	VACANT RESIDENTIAL URBAN SUBDIVIDED



## Staff Report Sky Transfer of City Property Application

**Location:** The city parcel of right-of-way described as APN 103-61-179A is located north of the applicant's property at 429D Laundry Hill Street.

**Zoning:** R-1

**Size of Parcel:** The parcel of right-of-way described as APN 103-61-179A located at the end of Laundry Hill Street is approximately 480 square feet or .011 acre.

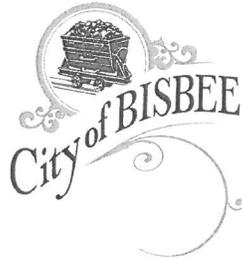
**Reason for Application:** Mr. Sky desires to acquire the parcel of city right-of-way to create a designated parking space for his contiguous parcel APN 103-61-177 which has an existing uninhabitable residential structure that is currently under renovation.

**Staff Analysis:** This City right-of-way parcel has been used as a parking area. At approximately 480 square feet there is no reasonable expectation that this parcel could be developed or used as open space since it is located between two existing parking areas.

Pursuant to Article 2.6.9 of the Bisbee City Code, prior to any sale, exchange, or abandonment of City property, the proposal to transfer the subject property shall be referred to the Planning and Zoning Commission for review and recommendation.

The City of Bisbee Public Works Director has reviewed this request and has provided an email that would support the transfer of this parcel of city owned right-of-way to the adjacent property owner. The sale of this parcel would generate a small increase in city property tax revenue and the proceeds from the sale would be used for capital improvements within the city.

**Public Comments:** A public notice was published in The Bisbee Observer, posted on the subject property, posted on the City's website and property owners within 300 feet have been given written notice of the public hearing date for this agenda item.

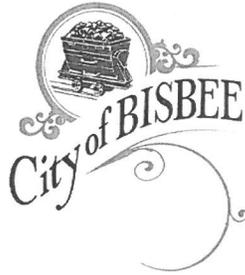


To date, comments have been received from adjacent property owners Mr. Richard Armstrong at 29E Laundry Hill Street and Mr. William Humphrey at 17G and 19F Laundry Hill Street.

It should be noted that Mr. Richard Armstrong residing at 29E Laundry Hill Street has submitted a Transfer of City Property application for the same parcel. His application could not be processed in time for the May 17 meeting and will be scheduled for the June 21, 2018 Commission meeting.

**Staff Recommendation:** Staff recommends that the Planning and Zoning Commission forward a favorable recommendation to the Mayor and City Council for the transfer of this property to the applicant with a minimum bid of \$1,440 or \$3 per square foot.

Staff contacted a local realtor and solicited their professional opinion of the square foot price for the city right-of-way parcel at that location. \$2.5 to \$3 per square foot was verbally stated.



# Public Notice

## PUBLIC HEARING

### Planning and Zoning Commission

### Thursday, May 17, 2018 after 5:30 pm

The Planning and Zoning Commission of the City of Bisbee will be holding a public hearing on **Thursday, May 17, 2018 after 5:30 pm** in the Board of Supervisors Hearing Room, 1415 Melody Lane, Building G, Bisbee, Arizona.

At this meeting the Commission will be considering an application for the Transfer of City property submitted by Jon Sky.

Mr. Jon Sky is applying for the Transfer of City property to establish parking for his parcel located at 429D Laundry Hill Street. The APN of the requested property is 103-61-179A. The subject property is zoned R-1.

The Planning and Zoning Commission is required to review this application and make a recommendation to the Mayor and City Council regarding the appropriateness of this request for the Transfer of City property.

For additional information please contact Paul Esparza, Planning Manager, at 1415 Melody Lane, Bldg. E, Bisbee, Arizona or by calling (520) 432-9300.

---

Ashlee Coronado, City Clerk

If any person needs any type of accommodations for any type of disabilities, please contact Joe Ward at (520) 432-6015 72 hours in advance.

Publish date: April 26, 2018



April 13, 2018

Re: Application for Transfer of City property

Dear Property Owner:

This letter will serve as notification that an application for the Transfer of City Property has been submitted to the city by Jon Sky who resides at 429D Laundry Hill Street. The subject parcel is APN 103-61-179A and is located north of the applicant's parcel. The request is to establish parking for the applicant's parcel.

The public hearing process requires that all parcel owners within 300 feet be notified of this application. As such, the Planning and Zoning Commission will hold a public hearing on **Thursday, May 17, 2018 after 5:30 PM** in the Board of Supervisors Hearing Room, 1415 Melody Lane, Bldg. G, Bisbee, Arizona.

The Planning and Zoning Commission is required to review this application and make a recommendation to the Mayor and City Council regarding the appropriateness of this request for the Transfer of City property.

For additional information please contact Paul Esparza, Planning Manager, at 1415 Melody Lane, Bldg. E, Bisbee, Arizona or by calling (520) 432-9300.

Sincerely,

Paul Esparza, AICP  
Planning Manager

## Esparza, Paul

---

**From:** Andy Haratyk <AHaratyk@bisbeeaz.gov>  
**Sent:** Thursday, May 3, 2018 2:06 PM  
**To:** Esparza, Paul  
**Subject:** transfer of property

Paul, regarding the transfer of property for Jon Sky at 429 D Laundry Hill, It is my opinion that the property has no value to the City of Bisbee. Therefore I recommend that the property transfer move forward. Thank Andy Haratyk, Public Works Director, City of Bisbee AZ

## Esparza, Paul

---

**From:** William Humphrey <wthwind@me.com>  
**Sent:** Wednesday, May 9, 2018 10:20 AM  
**To:** Esparza, Paul  
**Cc:** Diane Humphrey; Eliza Adams  
**Subject:** Re: parcel 103-61-179A

Mr Esparza: Nice to speak with you today

I am in receipt of memo dated 13 April 2018 regarding a public hearing on May 17, 2018 regarding the sale of the said parcel to Mr Jon Sky at 429D Laundry Hill.

Justification: I am the owner of the adjacent homes at 17-G and 19-F and recognize the critical need for Mr Sky to have a parking spot in front of his planned home.

Sincerely,

William T Humphrey

terms the reasons for the necessity of declaring an emergency, and must be passed by the affirmative vote not less than six Council Members upon a roll call vote.

### **2.6.9 Procedures for the Transfer of City Property**

#### **(O-05-10)**

A. Prior to the sale, exchange or abandonment of any City property, the proposal to transfer the subject property shall be referred to the Planning and Zoning Commission for review and recommendation by that Commission. The Planning and Zoning Commission shall consider whether the proposed transfer is in conformity with any adopted general plan, including the City's policies for open space; whether the subject property is suitable for development under the Zoning Regulations; whether the proposed sale and any anticipated development is compatible with the existing usage and development of the surrounding area; and whether the subject property is or is not suitable for public sale and auction pursuant to subsection C.

B. Notice of the Planning and Zoning Commission meeting to recommend any such proposed transfer shall be provided by one publication in the City's newspaper of record; by posting notice on the subject property; and by first class mail notice sent to those property owners who own property within three hundred (300) feet of the subject property. This notice shall be completed not less than fifteen (15) days prior to date of the Planning and Zoning Commission meeting.

C. After the Planning and Zoning Commission has made its recommendation, the Mayor and City Council shall meet to consider whether or not to pursue any such proposed transfer of City property. For any parcel less than an acre in size and which has been determined to have a minimum acceptable bid less than \$5,000, the Mayor and City Council may authorize the abandonment of unnecessary public streets and rights-of-ways or the exchange of City property for appropriate consideration, which amount shall be determined by majority vote of the Mayor and Council. Such abandonment shall not be subject to public auction and bidding requirements if the Mayor and Council, upon the recommendation of the Planning and Zoning Commission, determine that due to the particular situs of the subject property, or because it has historically been associated with, and used in connection with, a particular privately owned parcel, it is not appropriate for public auction and bidding, but rather should be sold to the owner(s) of the property with which it has been historically associated or used in connection with. The Mayor and Council may establish minimum acceptable bids for any sale and may impose other appropriate conditions upon any such sale.

D. Except as provided in 2.6.9(C), any sale of surplus City property shall be by public sale to the highest bidder. Not less than thirty days notice of any such sale shall be provided by one publication in the City's newspaper of record; by posting notice on the property; and by first class mail notice sent to those property owners who own property within 300 feet of the subject property. The Mayor and Council reserve the right to reject any and all bids for such property and to re-offer the property if they determine, in their sole discretion, that the bids are inadequate.

E. The net proceeds of any such sale of City property shall be used for capital improvements of the City and shall be maintained in an appropriate account for this purpose. In the event of a fiscal emergency or change of circumstances, the Mayor and Council, by a vote of not less than five members, may re-allocate any such funds as they deem to be necessary.

RECEIVED

APR 30 2018

April 30, 2018

City Clerk  
City of Bisbee  
1415 Melody Lane, Bldg. G  
Bisbee, AZ 85603

City Clerk's Office  
City of Bisbee

Richard S. Armstrong  
29E Laundry Hill, #632  
Bisbee, AZ, 85603

Madam Clerk:

The City is presently considering transfer of its real property on Laundry Hill. I own 29E Laundry Hill,, my domicile. I would like to build a detached garage for my house, and I am willing to pay a public auction price for the city's parcel on Laundry Hill.

**I hereby apply and petition to purchase from the City of Bisbee a parcel of real property on Laundry Hill--parcel APN 103-61-179A--for consideration paid, or for public auction of that parcel as soon as is reasonably feasible.**

Please note: a different person's application for transfer of this specific parcel is pending before the Planning and Zoning Commission on May 17, 2018.

Please contact me with any questions [619-293-0216; ArmstrongRS@gmail.com].

Respectfully,



RICHARD S. ARMSTRONG

April 30, 2018

Paul Esparza  
Planning Manager  
City of Bisbee  
1415 Melody Lane, Bldg. G  
Bisbee, AZ 85603

RECEIVED

APR 30 2018

City Clerk's Office  
City of Bisbee

Mr. Esparza:

On April 13, you mailed me a "neighbor's notice" about an application for transfer of city property, to be heard by the Planning and Zoning Commission on May 17. The letter did not include an application or file number, but applicant Jon Sky, owner of 429D Laundry Hill, is asking to purchase parcel APN 103-61-179A, on Laundry Hill, from the City. My telephone call to inquire about the letter resulted in a conversation with Peter Gardner, a Cochise County employee who is handling the matter for the City. I do not know exactly what the lines of responsibility are in this matter.

I own the house at 29E Laundry Hill, my domicile. I want to buy City parcel APN 103-61-179A on Laundry Hill, to build a detached garage for my home. I am willing to pay a public auction price.

**I hereby apply to the City of Bisbee for the transfer to me of City-owned real property on Laundry Hill--parcel APN 103-61-179A--for consideration paid, or for the public auction of that parcel as soon as reasonably feasible.**

Mr. Gardner was helpful, but uncertain about the process required to resolve a challenge to an application for transfer of City property. He has not yet contacted me with an answer, and it has been more than a week since we last spoke. Would you please let me know-- well before the May 17 P&Z Commission hearing on Mr. Sky's application--what showing is required before the Commission to justify its recommendation to the City Council for transfer of City property for parking purposes, such as Mr. Sky and I have applied for? And how the Commission is required to resolve the issues raised by my application?

Thank you for your prompt attention to this matter.

Respectfully,



RICHARD S. ARMSTRONG  
29E Laundry Hill, #632  
Bisbee, AZ 85603  
ArmstrongRS@gmail.com  
619-293-0216