

**City of Bisbee
 Planning and Zoning Commission Meeting City
 of Bisbee Council Chambers
 915 S. Tovreaville Road Bisbee, AZ
 July 20, 2023 @ 5:30 pm**

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
Michael Ablin			
David Brown			
David Cobb			
Douglas Dunn, Chair			
Alisia Espiriti			
Sandy Heusman, Vice-Chair			
Doug Taylor			
Mel Sowid, Council Liaison			
Vacant, Staff Liaison			

CALL TO THE PUBLIC –

Agenda Item 1.

Public Hearing, to consider the application for Special Use Permit 23-01.

This Special Use Permit would allow the applicant to have a Metal Fabrication Shop which is not an approved use for the current zoning of C-1.

Discussion and Possible Recommendation to the Mayor and City Council

This application is for a Special Use Permit that if granted, would enable the applicant to use as a Metal Fabrication Shop.

The location for this proposed business is the residence at 39 Old Douglas Road,

This parcel is currently zoned C-1. The parcel ID number is 103-72-042.

All notice requirements have been complied with.

Call for the Staff Report

Applicant presentation

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 to the Mayor and Council of the City of Bisbee approve the Special Use permit application 23-01 for 39 Old Douglas Road to have a Metal Fabrication Shop.

Agenda Item 2.

Discussion and Possible Recommendation to the Mayor and Council the Amendment to the City Code Article 9.4 Removal of Litter 9.4.1 (D) Dilapidated Structures.

A possible motion: I move the Planning and Zoning Commission recommend to the Mayor and City Council of the City of Bisbee the amendment to the City Code Article 9.4 Removal of Litter 9.4.1 (D) Dilapidated Structures.

Agenda Item 3.

Discussion regarding updating the General Plan

- Clean Energy
- Affordable Housing

STAFF COMMENTS: (No Discussion)

COMMISSIONER COMMENTS:

Please refrain from any discussion, comments only.

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

Adjournment:

Next Regular Meeting will be held on Thursday, August 17, 2023 at 5:30pm. Should anyone need any special accommodation for this meeting, please contact the City of Bisbee at (520) 432-6000 at least 24 hours in advance of the meeting. Public documents referred to herein may be viewed during regular business hours at the City Clerk's Office located at 76 Eire Street, Bisbee.



COMMUNITY DEVELOPMENT
PLANNING & ZONING

Special Use Permit Application

Applicant Name Joel Howard - Dias Howard
 Applicant Mailing Address 212 Mill Rd Bisbee Ch 85603
 Applicant Phone# 520 234 0785 Cell Phone 520 234 0785
 Applicant Email address white.dodge.2003@gmail.com
 Property Owner Name Joel Howard
 Property Owner Mailing Address 212 Mill Rd Bisbee Ch 85603
 Property Owner Phone# 520 234 0785 Cell Phone 520 234 0785

Property Location/address 39 Old Douglas Rd / 2 Hwy 80
 Assessor's Parcel # 103-72-042 Current Zoning C1

Applicant's Signature [Signature] Date 5-7-23

Property Owner's Signature [Signature] Date 5-7-23

Filing Fee: \$350.00

Required Items for Submittal

This application must be submitted with the required *non-refundable* filing fee per the City of Bisbee Fee schedule and accompanied by the required documentation listed below.

1. **Letter of intent.** This should include an outline of the intended use including hours of operation, approximate number of customers or clients that will frequent the property. Also include any special tools or machinery that may produce noise or vibration above normal neighborhood levels.

2. **Site plan.** Showing basic overview of property and locations of requested uses.

June 7, 2023

To Planning and Zoning,

The Knights Work Shop is primarily a private shop. I work on mostly my own projects and projects for friends, such as restoring older vehicles, art projects and small fix it jobs. From time to time a guest will come in and request some small fix it jobs. This happens maybe twice a month.

I would be more than happy to obtain a city business license and pay city sales tax for these minor jobs. Small items such as fixing a truck hitch or fender, building a gate or fence. The welding needed for these projects is silent. The machine shop used to provide such services is located in the back of the shop. The shop is made of 8 inch brick so no sound emanates outside of the building from the use of such machine. The machines used for such jobs simply lathes. There are no industrial machines in use. No large noise machinery is located in the building. No industrial by products are produced.

My brother is currently working on restoring a motor home for his own use. My sister has an art studio in another portion of the building. They have no expectation of clients of any kind.

My activities are very low key. If I need a permit to perform such activities I hope the council will see fit to approve such permit.

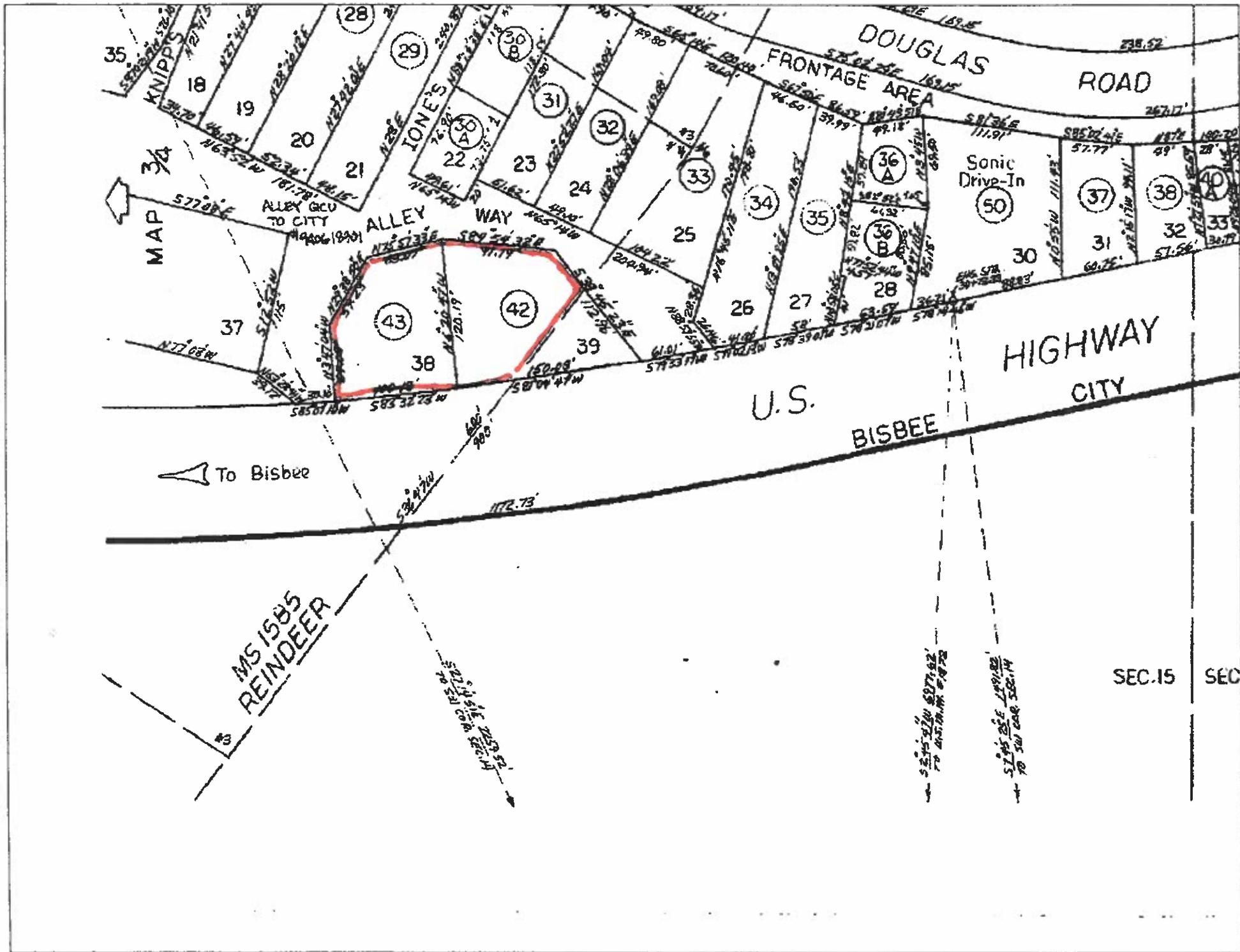
My hours of operation will vary. At the most we will be doing projects from 9 to 5 Monday through Saturday. I travel quite often so there may be times when the shop is not open at all

In my defense, my building permit was for a "commercial building permit". I had no idea I was in violation of any city codes. I will correct this with your help

I understand that the city would also like me to fence the property. That is easily accomplished and can be done over the next few months, if required

Sincerely

Joel Howard





May 24, 2023

Joel Howard / Morgan Douglas
211 Mill Road
Bisbee, AZ 85603

RE: 39 Old Douglas Road APN: 103-72-042

Dear Joel & Morgan,

This letter serves as an informal written notice to you, as owner or manager of the subject property, that you are violating Section 5.2.3 allowable uses in C (Commercial Zone) by operating a metal fabrication shop from your C-1 zoned property at 39 Old Douglas Road. This is not a permitted use for a C-1 zoned parcel. In order to rectify this situation, you will need to apply for a Special Use Permit (enclosed).

As you know I am responsible for enforcing the various codes related to property and building and I would like to see you apply for a Special Use Permit within thirty (30) days of the date of this letter. If you fail to comply with this friendly letter further action will be taken.

Should you have any questions about this letter or anything else related to this matter. Please do not hesitate to contact the undersigned Code Enforcement Officer at 520-432-6015 or jward@bisbeeaz.gov.

The City of Bisbee thanks you for your cooperation and prompt attention tot his matter,

Sincerely,

A handwritten signature in black ink that reads "Joe Ward".

Joe Ward,
Zoning Inspector
City of Bisbee



**PUBLIC NOTICE
PUBLIC HEARING
PLANNING & ZONING COMMISSION
THURSDAY, JULY 20, 2023; 5:30PM**

**PUBLIC HEARING
MAYOR & COUNCIL
TUESDAY, SEPTEMBER 19, 2023; 7:00PM**

The Planning and Zoning Commission will be holding a public hearing on Thursday, July 20, 2023 after 5:30pm in the City of Bisbee Council Chambers located at 915 S. Tovreaville Road, Bisbee, AZ at which time the public is invited to comment.

At this meeting the Commission will be considering an application for a Special Use Permit submitted by Mr. Joel Howard. Mr. Howard is applying for a Special Use Permit that if granted, would permit the operating of a metal fabrication shop located at 39 Old Douglas Road. This property is zoned C-1; Metal Fabrication shop is not an approved use for this Zoning.

The Planning and Zoning Commission is required to review this application and make a recommendation to the Mayor and Council regarding the appropriateness of granting this Special Use Permit. Should the Commission recommend approval, the Mayor and Council will hold a public hearing on Tuesday, September 19, 2023 after 7:00pm in the City of Bisbee Council Chambers located at 915 S. Tovreaville Road, Bisbee, AZ at which time the public is invited to comment.

For additional information please contact the City of Bisbee at 76 Erie Street, Bisbee, Arizona or by calling (520) 432-6000.

Ashlee Coronado, City Clerk

Publish Date: June 30, 2023

SHOULD ANYONE NEED ANY SPECIAL ACCOMMODATIONS FOR THIS MEETING, PLEASE CONTACT THE CITY OF BISBEE AT (520) 432-6000 AT LEAST 72 HOURS IN ADVANCE OF THE MEETING.

July 5, 2023

Planning & Zoning Commission Meeting July 20, 2023

REGARDING SUP REQUEST FOR 39 OLD DOUGLAS ROAD – THEY WANTED TO ADDRESS WITH THE PLANNING AND ZONING COMMISSION AN ADDRESS CHANGE FOR THIS PROPERTY

The Building Inspector/Code Enforcement sets the addresses for the City of Bisbee.

This request to address the change with the Planning and Zoning Commission is not in their purview.

Mr. Ward has had a conversation with Mr. Howard regarding the changing of the address. The city will not change the address to 2 Hwy 80. We can change the address to 39 Hwy 80 in keeping with the numbering that is already established.

Regardless of what the post office, property taxes, insurance, deed, or utilities have it listed as; the address is not 2 Hwy 80 according to the GIS System it is searchable as 39 Old Douglas Road.

In regards to first responders, they do not list it as 2 Hwy 80 they do not have that address in their system.

Address change should not be apart of the Special Use Permit discussion. Please refer them to have a conversation with Mr. Ward or Mr. Rodriguez regarding.

June 7, 2023

To the planning and Zoning Commission

On another note. My address is in question.

1. The first responders identify my property at 2 Hwy 80
2. The post office identifies the property a 2 Hwy 80
3. My property taxes are addressed to 2 Hwy 80
4. My insurance is addressed to 2 Hwy 80
5. All of my utilities are addressed to 2 Hwy 80
6. The deeds are all addressed as 2 Hwy 80

It is only the city that identifies the property as 39 Old Douglas RD

Could we please discuss this, and get on the same page

Sincerely,

Joel Howard

ARTICLE 9.4 REMOVAL OF LITTER

(O-06-20)

9.4.1 Definition

- A. "Litter" and "junk" means any rubbish, trash, weeds, filth or debris which constitute a hazard to public health and safety and shall include all putrescible and non-putrescible solid wastes including garbage, trash, ashes, street cleanings, dead animals and solid market and industrial waste; batteries; any deposit, accumulation, pile or heap of brush, grass, debris, or weeds other than compost piles; cans, cloth, paper, wood, rubbish or other unsightly or unsanitary matter of any kind whatsoever; and any growth of weeds, brush, grass or other vegetable growth to a height of over six inches, (or over twelve inches during the growing season), other than in maintained gardens or landscaping or in native desert conditions.
- B. "Private premises" means any dwelling, house, building or other structure, designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps or vestibules belonging or appurtenant to such dwelling, house, building or other structures.
- C. "Public place" means any and all streets, sidewalks, boulevards, alleys or other public ways, and any and all public parks, squares, spaces, grounds and buildings.
- D. ~~"Dilapidated building" means any building or structure that has any or all of the conditions or defects described in paragraphs 4 through 18 of Section 302 "Dangerous Building" of the Uniform Code for the Abatement of Dangerous Buildings, 1997 edition, as previously adopted by the City of Bisbee.~~

D. Dilapidated Structures

The Building Official or his designee will be the legally designated inspection authority of the City.

- a) A structure which, thorough neglect or injury, lacks necessary repairs or otherwise is in a state of decay or partial ruin to such an extent that said structure is a hazard to the health, safety, or welfare of the general public.
- b) A structure which is unfit for human occupancy due to the lack of necessary repairs and is considered uninhabitable or is a hazard to the health safety, and welfare of the general public.
- c) A structure which is determined by the code administrator to be an "unsecured building", for more than three (3) times within any twelve (12) month period.
- d) A structure which has been "boarded and secured" for more than six (6) consecutive months in one calendar year.

RENEWABLE ENERGY Solar energy accounted for 39 percent of all new electricity-generating capacity added to the U.S. grid in the first half of 2022. Over the past ten years, solar electricity generating capacity additions have increased from only four percent in 2010 to more than 40 percent in 2022. Wind-generated energy is the fourth-largest energy generator in the United States and generates a quarter of the energy in eight states. Overall, wind power provides 9.8 percent of energy in the United States. It is recommended the City of Bisbee adopts energy ordinances in their zoning ordinance. projects have great potential. The southwest's solar resources and the land resources make Cochise County/Bisbee an ideal location for Utility- and Community-Scale Solar solar facilities. Such facilities could help the City attract clean industrial manufacturing companies, or any business looking to achieve REC to meet their sustainability goals via green energy. Arizona has yet to adopt a Community Solar Program, although Corporations have sustainability goals and REC goals that are supported though the Bipartisan Infrastructure Law, Inflation Reduction Action and Department of Energy. The DOE CEML program is offering incentives to developers to develop clean energy on former mine lands that allow electric utility customers who would not otherwise have access to energy from solar installations to purchase shares in a renewable energy facility to offset their monthly energy consumption. (<https://www.energy.gov/oced/clean-energy-demonstration-program-current-and-former-mine-land>) There is interest in private solar companies to develop facilities that tie into electrical distribution lines. The potential location for utility-scale and community solar projects shall be identified by the P&Z Board. The City can contribute to the increase in use of renewable energy in Bisbee by installing solar facilities on public buildings, installing bike paths, and providing charging stations for electric vehicles where practical. Land Use and Zoning for Large Solar Systems It is important that the City's policies, ordinances, and permitting processes support the implementation of renewable energy technology and programs. The board shall determine overlay zoning category to allow projects without affecting underlying zoning. The existing approach, using a special use overlay, is an appropriate approach. However, the City could adopt specific criteria that address potential environmental factors such as water use, habitat conservation, and land use impacts. Development standards can encourage growth in this industry while balancing environmental protection with energy demands and climate goals. Local zoning codes can support the installation of solar facilities by individuals by removing barriers to rooftop and ground-mounted solar panels. Updates to the City's land use codes should accommodate these facilities. Wind Farm Typically, a wind farm needs approximately 2 to 40 acres per megawatt of capacity depending on the size of the turbines and facility needs. Larger utility-scale turbines require more spacing between each other for optimal power generation capabilities. A survey shall be conducted to determine the Community members interest in exploring opportunities to establish wind energy and solar energy capabilities. Additional studies and analyses are needed to determine if a wind farm would be feasible based upon climate, location, and infrastructural needs of potential sites.
