

AGENDA

AGENDA OF THE SPECIAL SESSION OF THE MAYOR AND COUNCIL OF THE CITY OF BISBEE, COUNTY OF COCHISE, AND STATE OF ARIZONA, TO BE HELD ON WEDNESDAY, NOVEMBER 9, 2016, AT 6:00 PM IN THE BISBEE MUNICIPAL BUILDING, 118 ARIZONA STREET, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY _____ AT _____.

ROLL CALL

COUNCIL

Councilmember Eugene Conners, Ward I

Councilmember Joan Hansen, Ward II

Councilmember Shirley Doughty, Ward III

Mayor Ronald Oertle

Councilmember Anna Cline, Ward III, Mayor Pro Tempore

Councilmember Douglas Dunn, Ward II

Vacant, Ward I

STAFF

Richard J. Marsh Jr., City Manager

Ashlee Coronado, City Clerk

Keri Bagley, Finance Director

Albert Echave, Police Chief

Mark Burneleit, Fire Chief

Andy Haratyk, Public Works Director

CITY ATTORNEY

Britt Hanson

CALL TO THE PUBLIC

“During the proper time on the agenda, taxpayers or residents of the city, or their authorized representatives, may address the council on any matter concerning the City’s business or any matter over which the council has control (oral presentations shall not be repetitious and shall be confined to 3 minutes maximum duration.)” Ordinance O-91-29.

THE FOLLOWING ITEMS WILL BE DISCUSSED AND/OR CONSIDERED AT THIS MEETING:

1. Discussion on the Border Cities Land Corporation Request for Rezoning from C1 to C4.
Britt Hanson, City Attorney
Paul Esparza, Cochise County Planning Director
2. Discussion and Possible Approval of a Notice of Intent to Adopt Ordinance O-16-07 to Rezone Parcels 103-62-416 and 103-62-416A Subject to the Eight Conditions Set Forth in the Staff Report.

Britt Hanson, City Attorney

ADJOURNMENT

Individuals with hearing disabilities can contact the City Clerk’s Office (520) 432-6012 to request an Assisted Listening Device, at least 24 hours before the meeting.

Anyone needing special accommodation to attend this meeting should contact Ashlee Coronado at (520) 432-6012 at least twenty-four hours before the meeting.

Public documents referred to herein may be viewed during regular business hours at the City Clerk’s Office at 118 Arizona St., Bisbee.

Pursuant to A.R.S. § 38-431.03(A) (3), the Council may vote to enter executive session at any point during this meeting for discussion or consultation for legal advice with its attorney(s), who may appear telephonically.



REQUEST FOR MAYOR & COUNCIL ACTION

Session of: November 9, 2016

Regular Special

DATE ACTION SUBMITTED: October 31, 2016

REGULAR **CONSENT**

TYPE OF ACTION:

RESOLUTION **ORDINANCE** **FORMAL ACTION** **OTHER**

SUBJECT: DISCUSSION ON THE BORDER CITIES LAND CORPORATION REQUEST FOR REZONING FROM C1 TO C4

FROM: Britt Hanson, City Attorney

RECOMMENDATION: Discussion Only

PROPOSED MOTION: Discussion Only

DISCUSSION: On April 28, 2016, Border Cities Land Corporation (“BCLC”) submitted an application to rezone Parcels 103-62-416 and 13-62-416A, located in the Old Bisbee Historic District, from C-1 to C-4. Pursuant to a Settlement Agreement between the City and BCLC entered into in 2011, as amended in 2016, the City Council is required to conduct an up or down vote on the rezoning application by no later than November 30, 2016.

After conducting a work session and holding two public hearings, on October 20, 2016, the Planning and Zoning Commission unanimously voted to approve the rezoning, subject to 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. Any project shall be commenced within five (5) years of the date of zoning approval or the parcels will revert to their former zoning classification upon action of the City Council after giving thirty (30) day notice to the Applicant.
3. Any project will address site development standards including outdoor lighting, setbacks, landscaping, and a traffic circulation plan, and will include a parking plan in conformance with Article 8 (Parking and Loading) of the Zoning Code. The site development plan and the parking plan, and any requested waivers, will be subject to approval of the Mayor and Council at a public hearing, following a review and recommendation from the Planning and Zoning Commission.

4. The parking plan must be in conformance with the Settlement Agreement between the City and the Applicant executed in January, 2011 and filed with the Court in Cochise County Superior Court, CV200600950, which includes 40 free public parking spaces on the "Plaza Parcel."
5. Any proposed exterior construction, reconstruction, alterations or structural changes will also be subject to approval of the Design Review Board per Section 2.6 of the Bisbee Zoning Code.
6. Prior to issuance of a building permit and Floodplain Use Permit, the applicant will provide the County and City with structural design calculations by a registered professional engineer that ensures that any new structure will cause no adverse impact to the underground drainage channel.
7. Should the Applicant not pursue a hotel use, the applicant agrees to limit other alternative uses to the C-4 permitted uses listed in this report excluding Automobile Sales, Garden & Nursery, Home Supply/Lumber Yard, Equipment Rental/Leasing, Golf Course/Driving Range, Self Storage, Towing Yard, and Cabinet Repair.
8. If the proposed use is a hotel, the hotel size shall not be greater than 65 rooms.

Further details and analysis are set forth in the Staff Report that accompanies this agenda item.

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

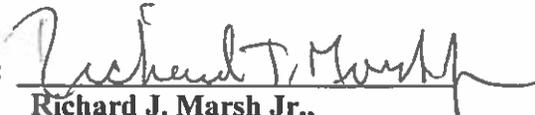
BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared by:



Britt Hanson,
City Attorney

Reviewed by:



Richard J. Marsh Jr.,
City Manager



Cochise County
Community Development
 Planning, Zoning and Building Safety Division
Public Programs...Personal Service
 www.cochise.az.gov

MEMORANDUM

TO: Bisbee Mayor and City Council
FROM: Paul Esparza, AICP, Cochise County Planning Director
SUBJECT: Border Cities Land Corporation rezoning request
DATE: October 31, 2016

APPLICATION FOR A REZONING

The Applicant is requesting a rezoning from C-1 (Any office, retail, restaurant, small-scale retail and personal service use) to C-4 (Any use permitted in the C-1, C-2, or C-3 and large scale retail, commercial and wholesale uses). The two subject parcels, which include the Convention Center and two parking lots, total 1.62 acres in size. The request is to facilitate development of a proposed mixed-use development including a hotel with conference space, restaurant, bar/café and other similar uses on one of the parking lots (the lot to the east of the Convention Center). Hotels and motels are a permitted use in the C-3 and C-4 zone. However, if the rezoning to C-4 is approved, uses other than a hotel would be permitted (See C-4 permitted uses and those excluded by the Applicant on next page).

The subject parcels, APN(s) 103-62-416 and 103-62-416A are located on Copper Queen Plaza and the access to SR 80 South. The Applicant is Border Cities Land Corporation.

I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES

Parcel Sizes: 1.62 acres
 Current Zoning: C-1 (Commercial) Proposed Zoning: C-4 (Commercial)
 General Plan Designation: Historic Preservation /Mixed-Use /Infill
 Planning Area: Historic Old Bisbee Planning Area
 Existing Uses: Vacant/Parking- The Plaza with current businesses
 Proposed Uses: Hotel/Mixed-Use

II. Zoning/Use of Surrounding Properties

| Relation to Subject Parcel | Zoning District | Use of Property |
|----------------------------|-----------------|--------------------|
| North | C-3 | Commercial-Lodging |
| South | N/A | SR 80 ROW |
| East | C-1 | Vacant-Parking |

Planning, Zoning and Building Safety
 1415 Melody Lane, Building E
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9278 fax
 1-877-777-7958
 planningandzoning@cochise.az.gov

Highway and Floodplain
 1415 Melody Lane, Building F
 Bisbee, Arizona 85603
 520-432-9300
 520-432-9337 fax
 1-800-752-3745
 highway@cochise.az.gov
 floodplain@cochise.az.gov

III. NATURE OF REQUEST

The Applicant is requesting to amend the zoning on two parcels- a .84-acre "Gateway" parcel and a .78-acre "Plaza" parcel located on Copper Queen Plaza from C-1 to C-4. This request is to facilitate the development of a proposed mixed-use development including a hotel with conference space, restaurant, bar/café and other similar uses. The Applicant has provided a concept plan for this mixed-use development, which includes 54 hotel rooms and 62 parking spaces, on the "Gateway" parcel. However, it should be emphasized that the rezoning applies to both parcels, which includes the current Convention Center. Moreover, the Applicant is not tied to this particular use nor, if he builds a hotel, this particular size or configuration. If rezoned, additional uses in C-4 would apply to both parcels, and would include the list of permitted uses and those excluded by the Applicant below.

But because an analysis of all of these potential uses and their impacts would be impossible, the following analysis is restricted to the Applicant's concept plan for a 54 room hotel on the Gateway parcel only.

IV. ANALYSIS OF IMPACTS

General Plan/Planning Area Compliance

The City of Bisbee General Plan 2015 Land Use Map identifies Historic Old Bisbee as a Redevelopment /Revitalization/Historic Preservation/ Mixed-Use/Infill area. This rezoning request for a hotel/mixed-use development would be an appropriate infill land use. It also fulfills several Goals & Policies of the Historic Old Bisbee Planning Area.

Historic Old Bisbee Planning Area Goals & Policies:

Policy 5-1a. Maintain Historic Old Bisbee Planning Area that serve Bisbee's retail core as the primary regional mixed-use activity center for tourism, legal, arts and culture, heritage, alternative health care, lodging, restaurants, entertainment, and historic residential neighborhoods.

Policy 5-1d. Promote retail and other infill private sector development that complements and supports the existing Historic District, developing Bisbee as an overnight visitor destination as well as a destination for Sonoran Shoppers.

The Bisbee Civic Town Plan as a result of a community charrette held in July 2006 identified the Gateway Development parcel and states:

"Four stories and large volume buildings are consistent with the history of the town..."

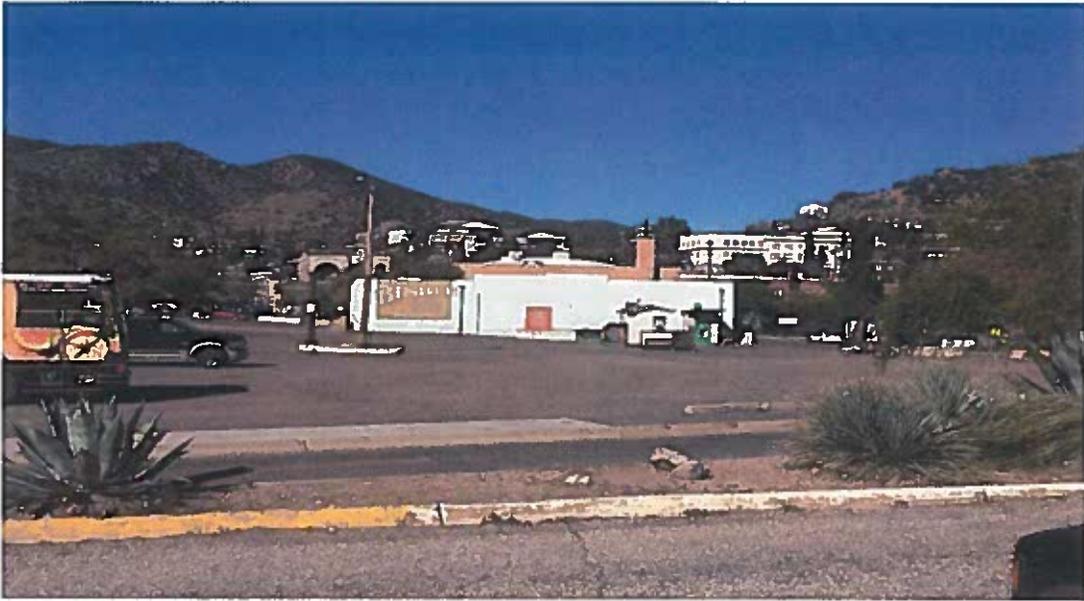
"...develop a mixed-use complex showcasing the character and strengths of the town."

The City of Bisbee General Plan Update in 2015 incorporated by reference the recommendations and considerations from the Bisbee Civic Town Plan charrette document which links that work to public policy reflected in the General Plan.

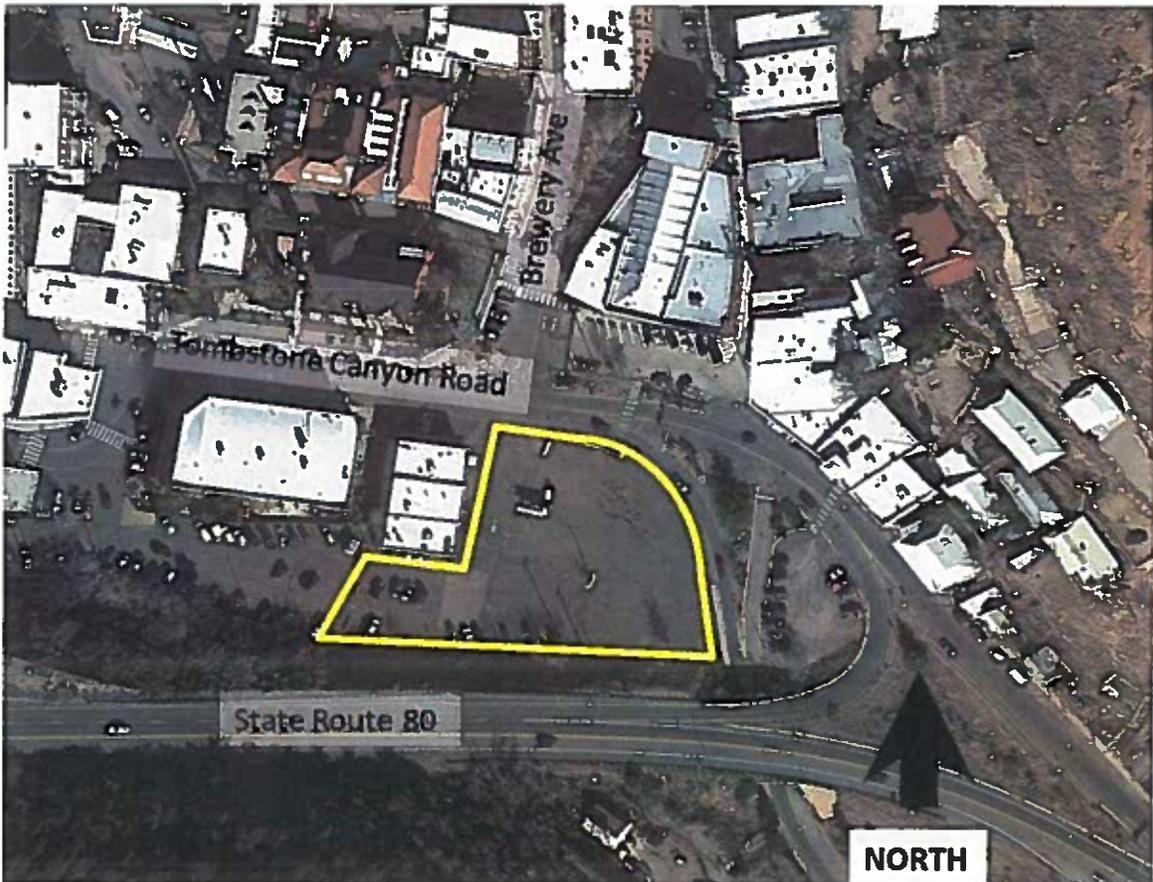
Permitted uses in C-4 not permitted in the C-1 zone

***Use excluded by the Applicant**

- | | | |
|----------------------------------|--------------------------------|----------------------------|
| 1. Automobile Sales | 9. Alcoholic Beverage Est. | 17. Motion Picture Theater |
| 2. Department store | 10. Equipment Rental/Leasing | 18. Physical Fitness Ctr |
| 3. Furniture store | 11. Funeral Home/Mortuary | 19. Private Clubs |
| 4. Garden & Nursery* | 12. Hotel/Motel | 20. Gaming Center |
| 5. Home Supply/Lumber Yard* | 13. Radio/TV Broadcasting | 21. Self-storage* |
| 6. Publishing, Printing | 14. Auditorium | 22. Towing Yard* |
| 7. Shopping Center, Plaza, Malls | 15. Bowling Ctr/Skating Rink | 23. Government Offices |
| 8. Supermarket | 16. Golf Course/Driving Range* | 24. Hospital |
| | | 25. Cabinet Repair |



Looking to the west across the Gateway Parcel



Aerial photo of Gateway Parcel

Compliance with Rezoning Procedures

Article 3 Procedures of the Bisbee Zoning Code outlines the process for zoning amendments but does not specify criteria used to evaluate rezoning requests. It is recommended that the Planning Commission use the following criteria to evaluate this rezoning request.

1. Request accompanied by a Land Use/Concept Plan:

The Applicant has provided staff with a conceptual site plan for a mixed-use development including a proposed hotel with conference space, restaurant, bar/café and other similar uses. The uses are consistent with a commercial zone.

2. Compliance with Applicable Site Development Standards:

The conceptual site plan has been reviewed against the Bisbee Zoning Code parking standards. A parking analysis finds that the proposed uses would require at least 88 parking spaces not including employee parking. The proposed development plan identifies 62 parking spaces including 2 ADA complaint spaces. The proposed parking count would require 3 ADA compliant spaces. The proposed development plan does not meet the current parking standards for the combined uses.

| Bisbee Hotel Parking Calculations | | | | |
|---|--------------------|-----------------------------|-----------------|-----------------|
| <u>Use</u> | <u>Rooms/Sq Ft</u> | <u>Calculation per Code</u> | <u>Required</u> | <u>Provided</u> |
| Rooms | 54 | 1 per room | 54 | 54 |
| Employees | ? | 1 per 2 employees | ? | 0 |
| Lobby | 1150 | 1 per 200/sq ft | 6 | } 8 |
| Office | 202 | 1 per 200/sq ft | 1 | |
| Restrooms | 350 | 1 per 200/sq ft | 2 | |
| Bar/café | 320 | 1 per 200/sq ft | 2 | |
| General Retail | 820 | 1 per 200/sq ft | 4 | |
| Restaurant | 820 | 1 per 200/sq ft | 4 | |
| Kitchen | 550 | 1 per 200/sq ft | 3 | |
| Conference/ meeting rooms | 2480 | 1 per 200/sq ft | 12 | |
| Totals | 6692 | 1 per 200/sq ft | 88* | 62 |
| Deficient by: | | | 26 | |
| *Does not include employee parking | | | | |

3. Compatibility with Existing Development:

While the surrounding area is all zoned Commercial, the rezone to a higher intensity commercial zone may establish uses that have a higher parking requirement in an area with limited parking.

Surrounding development consists of one to four story primarily commercial uses. The surrounding uses include retail, office, restaurant, museum, and hotel uses which are compatible with the proposed request.

Conceptual renderings of the building have been provided. The building picks up on the various elements found throughout the area. However, the proposed architecture will require additional review and approval by the Design Review Board.

4. Adequate Services and Infrastructure:

The site is currently served by city services and existing infrastructure is accessible and functional.

5. Traffic Circulation:

The Applicant should pay particular attention to the internal circulation patterns within the development site to avoid pedestrian/automobile conflicts.

6. Public Input:

The City of Bisbee has met the Arizona Revised Statutes requirements for public notification for this rezoning request. Staff mailed 32 letters to neighboring property owners within 300 ft. of the subject property. Staff posted the property and published a legal notice in the *Bisbee Observer*.

V. PUBLIC COMMENT

In response to the City mailings, the Community Development Department has received one response in support of the rezoning and none in opposition as of this staff report. Citizen input was also received at the P&Z Commission meeting on September 15, 2016.

VI. SUMMARY AND CONCLUSION

The request is for a rezoning, from C-1 to C-4 on two parcels totaling 1.62 acres located on Copper Queen Plaza. At this time, the area is characterized by mixed-use development. A rezoning to the C-4 district would reflect the policies of the Planning Area.

Factors in Favor of Approval

1. Approving the rezone request would be in keeping with the character of the existing development in the area and;
2. Several Historic Old Bisbee Planning Area Goals and Policies are fulfilled; and
3. One formal response in support of the rezoning has been received.

Factors Against Approval

1. Based on the conceptual development plan, Bisbee parking standards have not been met for the proposed uses.

VII. RECOMMENDATION

The Bisbee P&Z Commission at its October 20, 2016 meeting recommended approval of this request for a rezoning, from C-1 to C-4 on two parcels APN(s) 103-62-416 and 103-62-416A to the City Council based on this report with a recommendation of **Conditional Approval**, subject to 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. Any project shall be commenced within five (5) years of the date of zoning approval or the parcels will revert to their former zoning classification upon action of the City Council after giving thirty (30) day notice to the Applicant.
3. Any project will address site development standards including outdoor lighting, setbacks, landscaping, and a traffic circulation plan, and will include a parking plan in conformance with Article 8 (Parking and Loading) of the Zoning Code. The site development plan and the parking plan, and any requested waivers, will be subject to approval of the Mayor and Council at a public hearing, following a review and recommendation from the Planning and Zoning Commission.
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5. Any proposed exterior construction, reconstruction, alterations or structural changes will also be subject to approval of the Design Review Board per Section 2.6 of the Bisbee Zoning Code.
6. Prior to issuance of a building permit and Floodplain Use Permit, the applicant will provide the County and City with structural design calculations by a registered professional engineer that ensures that any new structure will cause no adverse impact to the underground drainage channel.
7. Should the Applicant not pursue a hotel use, the applicant agrees to limit other alternative uses to the C-4 permitted uses listed in this report excluding Automobile Sales, Garden & Nursery, Home Supply/Lumber Yard, Equipment Rental/Leasing, Golf Course/Driving Range, Self Storage, Towing Yard, and Cabinet Repair.
8. If the proposed use is a hotel, the hotel size shall not be greater than 65 rooms.

City of Bisbee: Uses and Zone Matrix

| LEGEND |
|--|
| R = Residential Zone |
| RM = Manufactured Home Zone |
| C = Commercial Zone |
| CM = Commercial Mixed Zone |
| M = Manufactured Zone |
| Blank Spaces = Uses Require Special Use Permit |
| X = Permitted Use |

*Those uses that have been specifically precluded within this Code cannot be authorized by the Special Use process.

| RETAIL USE | R1 | R2 | R3 | RM | C1 | C2 | C3 | C4 | CM 1 | CM2 | M1 | M2 | M3 |
|---------------------------------|----|----|----|----|----|----|----|----|------|-----|----|----|----|
| Adult Bookstore / Entertainment | | | | | | | | | | | | | |
| Automobile Supply | | | | | x | x | x | x | x | x | | | |
| Automobile Rental | | | | | x | x | x | x | x | | | | |
| Automobile Sales New/Used | | | | | | | x | x | | | | | |
| Bakery | | | | | x | x | x | x | x | x | | | |
| Department Store | | | | | | | x | x | | | | | |
| Drug Store | | | | | x | x | x | x | x | x | | | |
| Electronics Store | | | | | x | x | x | x | | | | | |
| Farmers Market | | | | | x | x | x | x | x | x | | | |
| Feed & Seed Store | | | | | x | x | x | x | x | x | | | |
| Furniture Store | | | | | | | x | x | | x | | | |
| Garden & Nursery | | | | | | x | x | x | | | | | |
| Hardware Store | | | | | x | x | x | x | x | x | | | |
| Home Supply / Lumber Yard | | | | | | | x | x | | | | | |
| Indoor Swap meet | | | | | | | | | | | | x | |
| Liquor/Wine Store – Package | | | | | x | x | x | x | x | x | | | |
| Publishing, Printing | | | | | | | x | x | | | | | |
| Shopping Center, Plaza, Malls | | | | | | | | x | | | | | |
| Specialty Retail Store | | | | | x | x | x | x | x | x | | | |
| Supermarket | | | | | | | x | x | | | | | |
| Thrift Store | | | | | x | x | x | x | x | x | | | |
| Video Store | | | | | x | x | x | x | x | x | | | |

| SERVICE USES | R1 | R2 | R3 | RM | C1 | C2 | C3 | C4 | CM1 | CM2 | M1 | M2 | M3 |
|--|----|----|----|----|----|----|----|----|-----|-----|----|----|----|
| Alcoholic Bev. Estab (Off premise consumption) | | | | | | | x | x | | | | | |
| Auction House/ Yard | | | | | | | | | | | | x | |
| Auto Cleaning/ Detailing | | | | | x | x | x | x | x | x | | | |
| Automotive Gas Station/ Convenience Store | | | | | x | x | x | x | x | x | | | |
| Automotive Full Service | | | | | x | x | x | x | x | x | | | |
| Auto Repair Garage/ Auto Body | | | | | x | x | x | x | x | x | | | |
| Bed & Breakfast | | | | | x | x | x | x | x | x | | | |
| Commercial/Industrial Rentals | | | | | | | | | | | | | |
| Equipment Rental/ Leasing | | | | | | | | x | | | x | x | x |
| Funeral Home / Mortuary | | | | | | | x | x | | | | | |
| Hotel/ Convention Center | | | | | | | | | | | | | |
| Motel | | | | | | | x | x | | | | | |
| Radio / TV Broadcasting | | | | | | | x | x | | | | | |

| PERSONAL PROFESSIONAL SERVICES | R1 | R2 | R3 | RM | C1 | C2 | C3 | C4 | CM 1 | CM2 | M1 | M2 | M3 |
|--|----|----|----|----|----|----|----|----|------|-----|----|----|----|
| | | | | | x | x | x | x | x | x | | | |
| Including, but not limited to: Commercial Photography, Computer Maintenance, Hairstyling Shop, Kennels, Sewing-alteration, Tattoo Parlor, Dog Grooming, Gunsmith, Pest Control Services, Print Shop, Professional/Business Office, Repair Large Appliance, Security System Service, Coin Op Laundry, Financial Institution, Massage Therapist. | | | | | | | | | | | | | |

| EDUCATIONAL RECREATIONAL/SOCIAL | R1 | R2 | R3 | RM | C1 | C2 | C3 | C4 | CM 1 | CM2 | M1 | M2 | M3 |
|--|----|----|----|----|----|----|----|----|------|-----|----|----|----|
| Antique Gallery/ Museum Art Gallery | | | | | x | x | x | x | x | x | | | |
| Auditorium | | | | | | | x | x | | | | | |
| Boarding School | | | | | x | x | x | x | x | x | | | |
| Bowling Ctr/ Skating Rink | | | | | | | x | x | | | | | |
| Cemetery | x | x | x | x | x | x | x | x | x | x | | | |
| Church/ Place of Worship | x | x | x | x | x | x | x | x | x | x | | | |
| College/ University | x | x | x | x | x | x | x | x | x | x | | | |

| EDUCATIONAL RECREATIONAL/SOCIAL (cont'd) | R1 | R2 | R3 | RM | C1 | C2 | C3 | C4 | CM 1 | CM2 | M1 | M2 | M3 |
|--|----|----|----|----|----|----|----|----|------|-----|----|----|----|
| Community Educ. Center | x | x | x | x | x | x | x | x | x | x | | | |
| Dance, Art, Music Studio | | | | | x | x | x | x | x | x | | | |
| Golf Course, Driving Range | | | | | | | x | x | | | | | |
| Motion Picture Theatre | | | | | | | x | x | | | | | |
| Parking Garage/Lot Commercial | | | | | x | x | x | x | x | x | | | |
| Physical Fitness Center | | | | | | x | x | x | | x | | | |
| Pool Hall/Arcades | | | | | x | x | x | x | x | x | | | |
| Private Clubs | | | | | | x | x | x | | x | | | |
| Recreational Fac.-Indoor | x | x | x | x | x | x | x | x | | | | | |
| Schools-Pre school-12 | x | x | x | x | x | x | x | x | | | | | |
| Swimming Pool- Public | x | x | x | x | x | x | x | x | | | | | |
| Vocational/ Professional School | x | x | x | x | x | x | x | x | | | | | |
| Off Track Betting | | | | | x | x | x | | | | | | |
| Gaming Center | | | | | | x | x | x | x | x | x | | |

| STORAGE USES | R1 | R2 | R3 | RM | C1 | C2 | C3 | C4 | CM 1 | CM2 | M1 | M2 | M3 |
|---|----|----|----|----|----|----|----|----|------|-----|----|----|----|
| Self-storage – individual units for rent | | | | | | x | x | x | x | x | | | |
| Self-storage (auto, RV, trailer, boat) | | | | | | | x | x | x | x | | | |
| Towing Yard/Impound Lot (towed vehicles only) | | | | | | | x | x | x | x | x | x | x |
| Warehousing, retail/wholesale goods, non-flammable, non- hazardous | | | | | x | x | x | x | x | x | x | x | x |
| Warehousing, flammable, hazardous material storage | | | | | | | | | | | x | x | x |
| Vehicle salvage, recycling, junk yard, dismantling &/or scrapping (includes long term storage of junked vehicles for parts, sales | | | | | | | | | | | | | x |

| PUBLIC USES | R1 | R2 | R3 | RM | C1 | C2 | C3 | C4 | CM 1 | CM2 | M1 | M2 | M3 |
|---------------------------------------|----|----|----|----|----|----|----|----|------|-----|----|----|----|
| Library / Museum | x | x | x | x | x | x | x | x | x | x | | | |
| Government Offices | | | | | | x | x | x | x | x | | | |
| Park / Open Space Area | x | x | x | x | x | x | x | x | x | x | x | x | x |
| Post Office | x | x | x | x | x | x | x | x | x | x | x | x | x |
| Public Transportation Terminal / Taxi | x | x | x | x | x | x | x | x | x | x | x | x | x |
| Fire/ Police/ Rescue Stations | x | x | x | x | x | x | x | x | x | x | x | x | x |

* See Section 5.2.3

| RESIDENTIAL USE | R1 | R2 | R3 | RM | C1 | C2 | C3 | C4 | CM1 | CM2 | M1 | M2 | M3 |
|------------------------|----|----|----|----|----|----|----|----|-----|-----|----|----|----|
| One Family Dwelling | X | X | X | X | | | | | * | * | | | |
| Two Family Dwelling | | X | X | | | | | | * | * | | | |
| Multiple Dwellings | | | X | | | | | | * | * | | | |
| Apartment Houses | | | X | | | | | | * | * | | | |
| Condominiums | | | X | | | | | | * | * | | | |
| Manufactured Home | | | | X | | | | | | | | | |

• R3 Density to be determined by Site Plan Committee

| HEALTH CARE USES | R1 | R2 | R3 | RM | C1 | C2 | C3 | C4 | CM 1 | CM2 | M1 | M2 | M3 |
|---|----|----|----|----|----|----|----|----|------|-----|----|----|----|
| Day Care Center | x | x | x | x | x | x | x | x | x | x | | | |
| Family Foster Home | x | x | x | x | | | | | | | | | |
| Group Care Home | x | x | x | x | | | | | | | | | |
| Half way House | x | x | x | x | x | x | x | x | x | x | | | |
| Homeless / Rehab Center | | | | | x | x | x | x | x | x | | | |
| Hospital | | | | | | | x | x | | | | | |
| Medical & Dental Lab Office | | | | | x | x | x | x | x | x | | | |
| Scientific research Lab | | | | | | | | | | | x | x | x |
| Veterinarian Office | | | | | x | x | x | x | x | x | | | |
| Residential Care Establishment (Over Ten) | | | | | x | x | x | x | | | | | |
| Residential Care Facility (Under Ten) | x | x | x | x | x | x | x | x | | | | | |

| MANUFACTURING USES | R1 | R2 | R3 | RM | C1 | C2 | C3 | C4 | CM 1 | CM2 | M1 | M2 | M3 |
|--|----|----|----|----|----|----|----|----|------|-----|----|----|----|
| Cabinet Repair / Woodworking | | | | | | | | x | | | x | x | x |
| Comm Meat Processing | | | | | | | | | | | | | x |
| Dry Cleaning Plant | | | | | | | | | | | x | x | x |
| Fabrication & Assembly | | | | | | | | | | | x | x | x |
| L.P. Gas & Equipment | | | | | | | | | | | | x | x |
| Manuf-Mod. Homes/ RV | | | | | | | | | | | | | x |
| Medical Waste Facility | | | | | | | | | | | | | x |
| Product Distrib. Center | | | | | | | | | | | x | x | x |
| Receive Only earth Station | | | | | | | | | | | | x | x |
| Retail w/Assembly or Light Manufacturing | | | | | | | | | | | x | x | x |
| Solid Waste Landfill | | | | | | | | | | | | | x |

| Special Treatment Required | R1 | R2 | R3 | RM | C1 | C2 | C3 | C4 | CM 1 | CM2 | M1 | M2 | M3 |
|--|----|----|----|----|----|----|----|----|------|-----|----|----|----|
| Airport | | | | | | | | | | | | | |
| Extraction - Mining, Sand, Gravel, Oil, Gas | | | | | | | | | | | | | |
| Guest Ranches | | | | | | | | | | | | | |
| Lakes / Reservoirs (Man-made) | | | | | | | | | | | | | |
| Overnight Campgrounds | | | | | | | | | | | | | |
| Race Tracks | | | | | | | | | | | | | |
| Rodeo Arena/ Commercial Stables | | | | | | | | | | | | | |
| Shooting Ranges | | | | | | | | | | | | | |
| Temp. Sales Structure | | | | | | | | | | | | | |
| Heli Pad / Heli Port | | | | | | | | | | | | | |
| Signage – All Signage outside allowable Uses | | | | | | | | | | | | | |
| Communications facilities/ Antennas | | | | | | | | | | | | | |



REQUEST FOR MAYOR & COUNCIL ACTION
Session of: November 9, 2016

Regular Special

| | | | |
|---|-------------------------------------|----------------------|-------------------------------------|
| DATE ACTION SUBMITTED: <u>October 31, 2016</u> | | | |
| REGULAR | <input checked="" type="checkbox"/> | CONSENT | <input type="checkbox"/> |
| TYPE OF ACTION: | | | |
| RESOLUTION | <input type="checkbox"/> | ORDINANCE | <input checked="" type="checkbox"/> |
| | | FORMAL ACTION | <input checked="" type="checkbox"/> |
| | | OTHER | <input type="checkbox"/> |
| SUBJECT: DISCUSSION AND POSSIBLE APPROVAL OF A NOTICE OF INTENT TO ADOPT ORDINANCE O-16-07 TO REZONE PARCELS 103-62-416 AND 103-62-416A SUBJECT TO THE EIGHT CONDITIONS SET FORTH IN THE STAFF REPORT. | | | |

FROM: Britt Hanson, City Attorney

RECOMMENDATION: Council Discretion (The Planning Commission recommended approval with conditions).

PROPOSED MOTION: I move to approve the Notice of Intent to Adopt Ordinance O-16-07 to rezone parcels 103-62-416 and 103-62-416A subject to the eight conditions set forth in the Staff Report.

DISCUSSION: On April 28, 2016, Border Cities Land Corporation (“BCLC”) submitted an application to rezone Parcels 103-62-416 and 13-62-416A, located in the Old Bisbee Historic District, from C-1 to C-4. Pursuant to a Settlement Agreement between the City and BCLC entered into in 2011, as amended in 2016, the City Council is required to conduct an up or down vote on the rezoning application by no later than November 30, 2016.

After conducting a work session and holding two public hearings, on October 20, 2016, the Planning and Zoning Commission unanimously voted to approve the rezoning, subject to 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. Any project shall be commenced within five (5) years of the date of zoning approval or the parcels will revert to their former zoning classification upon action of the City Council after giving thirty (30) day notice to the Applicant.
3. Any project will address site development standards including outdoor lighting, setbacks, landscaping, and a traffic circulation plan, and will include a parking plan in conformance with Article 8 (Parking and Loading) of the Zoning Code. The site development plan and the parking plan, and any requested waivers, will be subject to

approval of the Mayor and Council at a public hearing, following a review and recommendation from the Planning and Zoning Commission.

4. The parking plan must be in conformance with the Settlement Agreement between the City and the Applicant executed in January, 2011 and filed with the Court in Cochise County Superior Court, CV200600950, which includes 40 free public parking spaces on the "Plaza Parcel."
5. Any proposed exterior construction, reconstruction, alterations or structural changes will also be subject to approval of the Design Review Board per Section 2.6 of the Bisbee Zoning Code.
6. Prior to issuance of a building permit and Floodplain Use Permit, the applicant will provide the County and City with structural design calculations by a registered professional engineer that ensures that any new structure will cause no adverse impact to the underground drainage channel.
7. Should the Applicant not pursue a hotel use, the applicant agrees to limit other alternative uses to the C-4 permitted uses listed in this report excluding Automobile Sales, Garden & Nursery, Home Supply/Lumber Yard, Equipment Rental/Leasing, Golf Course/Driving Range, Self Storage, Towing Yard, and Cabinet Repair.
8. If the proposed use is a hotel, the hotel size shall not be greater than 65 rooms.

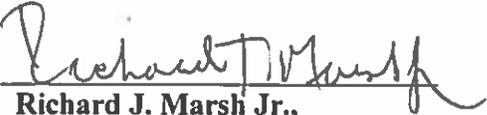
Further details and analysis are set forth in the Staff Report that accompanies this agenda item.

FISCAL IMPACT: N/A

DEPARTMENT LINE ITEM ACCOUNT: N/A

BALANCE IN LINE ITEM IF APPROVED: N/A

Prepared by: 
Britt Hanson,
City Attorney

Reviewed by: 
Richard J. Marsh Jr.,
City Manager

**NOTICE OF INTENT TO ADOPT
ORDINANCE 0-16-07**

AN ORDINANCE OF THE MAYOR AND COUNCIL TO CONDITIONALLY REZONE PARCELS 103-62-416 AND 103-62-416A, OWNED BY BORDER CITIES LAND CORPORATION, FROM C-1 TO C-4

WHEREAS, on April 28, 2016, Border Cities Land Corporation (“BCLC”) submitted an application to rezone Parcels 103-62-416 and 13-62-416A, located in the Old Bisbee Historic District, from C-1 to C-4; and

WHEREAS, pursuant to a Settlement Agreement between the City and BCLC entered into in 2011, as amended in 2016, the City Council is required to conduct an up or down vote on the rezoning application by no later than November 30, 2016; and

WHEREAS, after conducting a work session and holding two public hearings, on October 20, 2016, the Planning and Zoning Commission unanimously voted to conditionally approve the rezonings;

WHEREAS, on November 9, 2016, the Council held a duly noticed public hearing on the requested rezoning.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Bisbee, County of Cochise, State of Arizona, that the zoning district boundaries for the City of Bisbee shall be amended as follows:

The zoning classification of Tax Parcels 103-62-416 and 13-62-416A, located in the Old Bisbee Historic District, are changed from C-1 to C-4, subject to 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. Any project shall be commenced within five (5) years of the date of zoning approval or the parcels will revert to their former zoning classification upon action of the City Council after giving thirty (30) day notice to the Applicant.
3. Any project will address site development standards including outdoor lighting, setbacks, landscaping, and a traffic circulation plan, and will include a parking plan in conformance with Article 8 (Parking and Loading) of the Zoning Code. The site development plan and the parking

Ordinance O-16-07

plan, and any requested waivers, will be subject to approval of the Mayor and Council at a public hearing, following a review and recommendation from the Planning and Zoning Commission.

4. The parking plan must be in conformance with the Settlement Agreement between the City and the Applicant executed in January, 2011 and filed with the Court in Cochise County Superior Court, CV200600950, which includes 40 free public parking spaces on the "Plaza Parcel."

5. Any proposed exterior construction, reconstruction, alterations or structural changes will also be subject to approval of the Design Review Board per Section 2.6 of the Bisbee Zoning Code.

6. Prior to issuance of a building permit and Floodplain Use Permit, the applicant will provide the County and City with structural design calculations by a registered professional engineer that ensures that any new structure will cause no adverse impact to the underground drainage channel.

7. Should the Applicant not pursue a hotel use, the applicant agrees to limit other alternative uses to the C-4 permitted uses listed in this report excluding Automobile Sales, Garden & Nursery, Home Supply/Lumber Yard, Equipment Rental/Leasing, Golf Course/Driving Range, Self Storage, Towing Yard, and Cabinet Repair.

8. If the proposed use is a hotel, the hotel size shall not be greater than 65 rooms.

PASSED, APPROVED AND ADOPTED by the Mayor and Council of the City of Bisbee on this _____ day of _____, 2016.

Ron Oertle, Mayor

ATTEST:

Ashlee Coronado,
City Clerk

APPROVED AS TO FORM:

Britt W. Hanson,
City Attorney